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**REGULAR SESSION
SEVENTY-THIRD
GENERAL ASSEMBLY**

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**Volume II
May 2–May 7**

**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 2, 1989

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

Prayer was offered by Candy Boucher, Senate Secretary, from Des Moines, Iowa, who vocally performed "The Lord's Prayer."

The Journal of Monday, May 1, 1989, 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 April 28, 1989, passed the following bills in which the concurrence of the House was asked:

Senate File 154, a bill for an act relating to the state's cigarette and tobacco products tax; fuel tax; withholding tax; corporate and personal income tax; sales, services and use tax; franchise tax; hotel and motel tax; property tax exemptions; and inheritance and estate taxes; and providing a penalty.

Senate File 515, a bill for an act relating to the assessment and valuation of special purpose tooling property.

ALSO: That the House has on April 28, 1989, failed to pass the following bill in which the concurrence of the House was asked:

Senate File 375, a bill for an act relating to the creation of an artificial lake or impoundment by the department of natural resources.

ALSO: That the House has on April 28, 1989, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

Senate File 223, a bill for an act relating to early childhood programs.

ALSO: That the House has on April 28, 1989, 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 119, a bill for an act relating to state financial management by revising provisions governing the reversion of appropriations, the prescribing of uniform accounting systems and forms, account coding to identify authorizing statutes, and authorization for the prepayment of claims, and providing properly related matters.

ALSO: That the House has on April 28, 1989, **receded from** the House amendment and passed the following bill in which the concurrence of the House was asked:

Senate File 56, a bill for an act establishing familial status as a protected class in Iowa's discriminatory housing law and providing an exception for housing for elderly persons and certain owner-occupied housing.

ALSO: That the House has on May 1, 1989, adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 13, a concurrent resolution relating to the State Board of Regents' ten-year building program.

This resolution was read first time and assigned to the committee on **Appropriations**.

ALSO: That the House has on May 1, 1989, **refused to concur** in the Senate amendment to the following bill in which the concurrence of the House was asked:

House File 779, a bill for an act relating to and making appropriations, subject to certain conditions, to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the office of the state public defender, the department of inspections and appeals, the department of commerce, and the racing commission, among others, and effecting the laws enforced by and procedures utilized by such regulatory bodies, determining the ownership and control of certain property in the possession of the office of the state public defender, and imposing penalties.

ALSO: That the House has on May 1, 1989, 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 532, a bill for an act relating to the compensation and benefits for legislators, and other public officials and employees by specifying salary levels, by providing adjustments for salaries, by specifying properly related matters, by making appropriations, and by specifying effective dates for certain provisions.

QUORUM CALL

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

The vote revealed 43 present, 7 absent and a quorum present.

BILL ASSIGNED TO COMMITTEE

The Chair announced the assignment of **House File 781** to the committee on **Appropriations**.

SENATE INSISTS

Senate File 450

Senator Horn called up for consideration Senate File 450, a bill for an act relating to educational standards, including flexible scheduling within a school year, waivers of student participation in physical education if the school has flexible scheduling and the student is participating on an athletic team, and making technical changes, 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 450** on the part of the Senate: Senators Horn, Chair; Murphy, Kibbie, Taylor and Corning.

CONSIDERATION OF BILLS
(Ways and Means Calendar)

Senator Hutchins asked and received unanimous consent to take up out of order Senate File 530 and House Files 758 and 271.

Senate File 530

On motion of Senator Kibbie, Senate File 530, a bill for an act relating to the calculation of the budget enrollment of reorganized school districts and providing an effective date, was taken up for consideration.

Senator Kibbie 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. 530) the vote was:

Ayes, 46:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hagerla
Hedge	Hester	Horn	Hultman
Husak	Hutchins	Jensen	Kibbie
Lind	Lloyd-Jones	Mann	Miller
Murphy	Nystrom	Palmer	Pate
Peterson	Priebe	Rife	Riordan
Running	Scott	Soorholtz	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Varn	Welsh		

Nays, none.

Absent or not voting, 4:

Hannon	Kinley	Rensink	Vande Hoef
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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 File 758

On motion of Senator Fraise, House File 758, a bill for an act permitting forfeiture of the penal bond when a class "E" liquor

licensee violates the bootlegging law; permitting claims against penal bonds for failure or refusal to pay an alcoholic beverage control tax when due, establishing an administrative appeals process for disputed tax assessments, permitting the administrator to compromise disputed tax assessments, and permitting imposition of civil penalties on wholesalers for violations of law and administrative rules; and relating to coupons or rebates as incentives to purchase wine, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Fraise offered amendment S—3906 filed by the committee on Ways and Means on April 25, 1989, to page 2 and the title page of the bill.

Senator Varn asked and received unanimous consent that action on amendment S—3906 and **House File 758** be deferred.

House File 271

On motion of Senator Husak, House File 271, a bill for an act relating to the repeal of a local option sales and services tax and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Husak asked and received unanimous consent that action on **House File 271** be deferred.

HOUSE AMENDMENTS CONSIDERED

Senate File 141

Senator Doyle called up for consideration Senate File 141, a bill for an act relating to statutory corrections which adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, and remove ambiguities, amended by the House in House amendment S—3892 filed April 25, 1989.

Senator Jensen asked and received unanimous consent that action on House amendment S—3892 and **Senate File 141** be deferred.

Senate File 14

Senator Sturgeon called up for consideration Senate File 14, a bill for an act relating to manicuring, providing for the licensing of manicurists, and providing properly related matters, amended by the House, and moved that the Senate concur in House amendment S—3706 filed April 14, 1989.

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. 14) the vote was:

Ayes, 34:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Fraise
Gentleman	Gettings	Gronstal	Hannon
Horn	Husak	Hutchins	Jensen
Kibbie	Kinley	Lind	Lloyd-Jones
Mann	Miller	Murphy	Nystrom
Palmer	Peterson	Priebe	Riordan
Scott	Soorholtz	Sturgeon	Szymoniak
Tinsman	Varn		

Nays, 15:

Doyle	Fuhrman	Goodwin	Hagerla
Hedge	Hester	Hultman	Pate
Rensink	Rife	Running	Taylor
Tieden	Vande Hoef	Welsh	

Absent or not voting, 1:

Drake

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 April 24, 1989)

House File 579

The Senate resumed consideration of House File 579, a bill for an act relating to involuntary hospitalization procedures applicable to the mentally ill, and divisions S—3745B as amended and S—3745C by Senator Sturgeon to pages 1 and 2 of the bill, deferred April 24, 1989.

Senator Sturgeon moved the adoption of division S—3745B as amended, which motion prevailed by a voice vote.

Senator Sturgeon moved the adoption of division S—3745C, which motion prevailed by a voice vote.

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?" (H.F. 579) the vote was:

Ayes, 50:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Hultman	Husak	Hutchins	Jensen
Kibbie	Kinley	Lind	Lloyd-Jones
Mann	Miller	Murphy	Nystrom
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Running
Scott	Soorholtz	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

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

WITHDRAWN

Senator Sturgeon asked and received unanimous consent that **Senate File 452** be **withdrawn** from further consideration of the Senate.

UNFINISHED BUSINESS
(Deferred April 12, 1989)**House File 700**

The Senate resumed consideration of House File 700, a bill for an act relating to victims of certain criminal acts, by providing for the distribution of the presentence investigation report to counsel, registration of victims with the county attorney, filing of the victim impact statement, notification to victims by various departments, reorganizing crime victim assistance programs and services within the department of justice, and modifying the state crime victim reparation program, deferred April 12, 1989.

Senator Varn offered amendment S—3801 filed by him on April 19, 1989, to pages 1, 2, 3 and 6 of the bill and moved its adoption.

Amendment S—3801 was adopted by a voice vote.

Senator Doyle offered amendment S—3664 filed by him on April 12, 1989, to pages 3 through 5 and the title page of the bill.

Senator Welsh offered amendment S—3800 filed by him on April 19, 1989, to amendment S—3664 and moved its adoption.

Amendment S—3800 was adopted by a voice vote.

Senator Gentleman raised the point of order that amendment S—3664 as amended was not germane to the bill.

The Chair ruled the point well taken and amendment S—3664 as amended out of order.

Senator Doyle offered amendment S—3605 filed by Senators Doyle, et al., on April 10, 1989, to page 4 and the title page of the bill.

Senator Gentleman raised the point of order that amendment S—3605 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3605 out of order.

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?" (H.F. 700) the vote was:

Ayes, 50:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Hultman	Husak	Hutchins	Jensen
Kibbie	Kinley	Lind	Lloyd-Jones
Mann	Miller	Murphy	Nystrom
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Runing	Szymoniak
Scott	Soorholtz	Sturgeon	Vande Hoef
Taylor	Tieden	Tinsman	
Varn	Welsh		

Nays, none.

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

UNFINISHED BUSINESS (Deferred April 20, 1989)

House File 448

The Senate resumed consideration of House File 448, a bill for an act relating to the coverage of real estate agents under the workers' compensation law, and amendment S—3565 by the committee on Business and Labor Relations to page 1 and the title page of the bill, deferred April 20, 1989.

Senator Peterson moved the adoption of amendment S—3565.

A non record roll call was requested.

The ayes were 27, nays 12.

Amendment S—3565 was adopted.

Senator Hultman offered amendment S—3862 filed by him on April 24, 1989, to page 1 and the title page of the bill.

Senator Peterson raised the point of order that amendment S—3862 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3862 out of order.

Senator Priebe asked and received unanimous consent that action on **House File 448** be **deferred**.

MOTION TO RECONSIDER ADOPTED

Senator Varn called up the motion to reconsider House File 728 filed by him on April 21, 1989, found on page 1607 of the Senate Journal and moved its adoption.

On the question “Shall the motion to reconsider be adopted?” (H.F. 728) the vote was:

Ayes, 31:

Boswell	Bruner	Carr	Coleman
Deluhery	Dieleman	Doyle	Fraise
Gettings	Gronstal	Hannon	Horn
Husak	Hutchins	Kibbie	Kinley
Lloyd-Jones	Mann	Miller	Murphy
Palmer	Peterson	Priebe	Riordan
Running	Scott	Soorholtz	Sturgeon
Szymoniak	Taylor	Varn	

Nays, 19:

Corning	Drake	Fuhrman	Gentleman
Goodwin	Hagerla	Hedge	Hester
Hultman	Jensen	Lind	Nystrom
Pate	Rensink	Rife	Tieden
Tinsman	Vande Hoef	Welsh	

The motion prevailed.

Senator Varn moved to reconsider the vote by which House File 728 went to its last reading, which motion prevailed by a voice vote.

House File 728

On motion of Senator Murphy, House File 728, a bill for an act relating to official publications by amending rates for county publication of board proceedings, by reducing the specific information required in county care facility inventory publications, by permitting division of the delinquent tax list for publication, by establishing a minimum type size, by reducing publication fees when publication is not timely made, and by eliminating the requirement for publication of notice of textbook purchase, was taken up for reconsideration.

Senator Varn called up the motion to reconsider the vote by which amendment S—3819 to House File 728 was adopted by the Senate on April 21, 1989, filed by him on April 27, 1989, found on page 1739 of the Senate Journal and moved its adoption.

The motion prevailed by a voice and amendment S—3819 by Senators Miller, et al., to page 2 and the title page of the bill, was taken up for reconsideration.

Senator Varn offered amendment S—3891 filed by Senators Varn, Priebe and Miller on April 24, 1989, to amendment S—3819 and moved its adoption.

Amendment S—3891 was adopted by a voice vote.

Senator Varn moved the adoption of amendment S—3819 as amended, which motion prevailed by a voice vote.

Senator Murphy 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. 728) the vote was:

Ayes, 49:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Drake
Fraise	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Hultman
Husak	Hutchins	Jensen	Kibbie
Kinley	Lind	Lloyd-Jones	Mann
Miller	Murphy	Nystrom	Palmer

Pate	Peterson	Priebe	Rensink
Rife	Riordan	Running	Scott
Soorholtz	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, 1:

Doyle

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 to send an **immediate message** to the House on **Senate File 450**.

Senator Hutchins asked and received unanimous consent that **Senate File 530** and **House Files 579, 700** and **728** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 185

Senator Dieleman called up for consideration Senate File 185, a bill for an act relating to the hotel and motel tax and providing an exemption, amended by the House, and moved that the Senate concur in House amendment S—4021 filed May 1, 1989.

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

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House File 778.

House File 778

On motion of Senator Riordan, House File 778, a bill for an act relating to and making appropriations to the department of

agriculture and land stewardship, to the department of natural resources, to an environmental fund, providing for environmental protection, and the control of certain vegetation, and providing effective dates, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Riordan offered amendment S—4045 filed by the committee on Appropriations on May 1, 1989, to pages 1 through 12, 14 and the title page of the bill.

Senator Coleman asked and received unanimous consent that action on amendment S—4045 and **House File 778** be **deferred**.

UNFINISHED BUSINESS (Deferred April 20, 1989)

House File 451

The Senate resumed consideration of House File 451, a bill for an act relating to audits, amending provisions governing audits of governmental subdivisions and revising the powers and duties of the auditor of state with respect to such audits, providing for payment to the auditor of state for certain advisory and consultative services, providing for filing fees, providing properly related matters, and providing an effective date, deferred April 20, 1989.

Senator Szymoniak called up the motion to reconsider the vote by which amendment S—3843 to House File 451 was adopted by the Senate on April 20, 1989, filed by her on April 21, 1989, found on page 1607 of the Senate Journal, moved its adoption, and requested a non record roll call.

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

The ayes were 24, nays 25.

The motion lost.

Senator Nystrom asked and received unanimous consent that action on **House File 451** be **deferred**.

UNFINISHED BUSINESS
(Deferred April 27, 1989)

House File 140

The Senate resumed consideration of House File 140, a bill for an act relating to the linked deposit program and providing an effective date, amendments S—3495 as amended by the committee on Small Business and Economic Development to pages 1 and 2 of the bill and S—3496 by the committee on Small Business and Economic Development to pages 2, 5 and the title page of the bill, deferred April 27, 1989.

Senator Boswell asked and received unanimous consent that action on amendment S—3495 as amended continue to be deferred.

Senator Hester raised the point of order that amendment S—3496 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3496 out of order.

Senator Riordan offered amendment S—4048 filed by Senators Riordan, Boswell and Vande Hoef from the floor to page 2 of the bill.

Senator Peterson raised the point of order that amendment S—4048 was not germane to the bill.

The Chair ruled the point well taken and amendment S—4048 out of order.

President Zimmerman took the chair at 11:42 a.m.

Senator Boswell asked and received unanimous consent that action on amendment S—3495 as amended and **House File 140** be **deferred**.

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 2, 1989, **insisted on** its amendment to **Senate File 531**, 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 and use of moneys from the road use tax fund, state aviation fund, and abstract fee fund, providing for an exemption from reversion for certain funds, extending the effective period of the temporary authority for the operation of certain commercial vehicles, mandating reports of certain agency purchases, requiring the state and its political subdivisions, under certain circumstances, to pay compensation to owners of off-premises advertising devices, and providing effective dates and retroactive application, and the members of the **conference committee**, on the part of the House, are: The Representative from Mitchell, Mr. Koenigs, Chair; the Representative from Woodbury, Mr. Shoning, the Representative from Clarke, Mr. Beaman, the Representative from Dubuque, Mr. Connolly, and the Representative from Des Moines, Mr. Cohoon.

ALSO: That the House has on May 2, 1989, **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 relating to and making appropriations to various state agencies including certain state elected officials, the executive council, the department of general services, the department of personnel, the department of revenue and finance, the office of state-federal relations, and the department of management, appropriating certain membership fees, restricting the expenditure of moneys from the disaster aid contingent fund, revising provisions relating to life cycle cost analyses of public facilities, transferring moneys in the Iowa economic emergency fund to the general fund of the state, and providing an effective date.

ALSO: That the House has on May 2, 1989, passed the following bills in which the concurrence of the Senate is asked:

House File 777, a bill for an act relating to the length of occupancy of the homestead for purposes of the homestead credit and providing an effective date.

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

House File 789, a bill for an act relating to or making appropriations from the petroleum overcharge funds for purposes related to energy conservation.

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

RECESS

On motion of Senator Hutchins, the Senate recessed at 11:50 a.m., until 1:30 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: May 1, 1989, 1:05 p.m.

Members Present: Welsh, Chair; Boswell, Vice Chair; Tieden, Ranking Member; Bruner, Corning, Fraise, Gettings, Goodwin, Gronstal, Husak, Jensen, Lind, Lloyd-Jones, Pate, Peterson, Rensink, Riordan, Running, Sturgeon, Tinsman and Varn.

Members Absent: none.

Committee Business: Recommended passage of House File 778 as amended.

Adjourned: 3:00 p.m.

APPROPRIATIONS

Convened: May 1, 1989, 7:00 p.m.

Members Present: Welsh, Chair; Boswell, Vice Chair; Tieden, Ranking Member; Bruner, Corning, Fraise, Gettings, Goodwin, Gronstal, Husak, Jensen, Lind, Lloyd-Jones, Rensink, Riordan, Running, Sturgeon, Tinsman and Varn.

Members Absent: Pate and Peterson (both excused).

Committee Business: Recommended passage of House File 400 as amended.

Adjourned: 7:20 p.m.

WAYS AND MEANS

Convened: May 1, 1989, 10:45 a.m.

Members Present: Dieleman, Chair; Hester, Ranking Member; Bruner, Drake, Fraise, Fuhrman, Gentleman, Hultman, Kibbie, Murphy, Palmer, Riordan, Soorholtz and Szymoniak.

Members Absent: Husak, Vice Chair (excused).

Committee Business: Assigned bills to subcommittees; recommended passage of House File 769 as amended; recommended passage of House Files 770 and 751.

Adjourned: 11:56 a.m.

SUBCOMMITTEE ASSIGNMENT

Senate Resolution 19

ENVIRONMENT & ENERGY UTILITIES: Gronstal, Chair; Sturgeon and Pate

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 2nd day of May, 1989:

Senate Files 408, 479, 485, 486, 490 and 494.

JOHN F. DWYER
Secretary of the Senate

MOTION TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 14 passed the Senate on May 2, 1989.

WALLY E. HORN

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: HOUSE FILE 400, a bill for an act relating to state capital projects and other state fiscal planning, budgeting, oversight, and expenditures.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—4053.

Final Vote: Ayes, 19: Welsh, Boswell, Tieden, Bruner, Corning, Fraise, Gettings, Goodwin, Gronstal, Husak, Jensen, Lind, Lloyd-Jones, Rensink, Riordan, Running, Sturgeon, Tinsman and Varn. Nays, none. Absent or not voting, 2: Pate and Peterson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

PRESENTATION OF VISITORS

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

Thirty-six twelfth grade students from Baxter High School, Baxter, Iowa, accompanied by Jeff Hoskins. Senator Dieleman.

AMENDMENTS FILED

S—4046	H.F.	778	Eugene Fraise Donald Doyle John Soorholtz Kenneth Scott Jack Hester John Kibbie Berl Priebe Dale Tieden
S—4047	H.F.	769	Linn Fuhrman John Kibbie John Soorholtz Jim Riordan Berl Priebe
S—4048	H.F.	140	Jim Riordan Leonard Boswell Richard Vande Hoef
S—4049	H.F.	448	Berl Priebe
S—4050	H.F.	778	Richard Varn
S—4051	S.F.	220	Michael Gronstal
S—4052	H.F.	753	Michael Gronstal Patrick Deluhery Charles Bruner
S—4053	H.F.	400	Appropriations
S—4054	H.F.	753	Michael Gronstal Patrick Deluhery Paul Pate Mark Hagerla
S—4055	H.F.	271	Donald Doyle
S—4056	H.F.	271	Berl Priebe

AFTERNOON SESSION

The Senate reconvened at 2:25 p.m., President Zimmerman presiding.

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.

BILLS ASSIGNED TO COMMITTEE

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

H.F.	777	Ways and Means
H.F.	789	Appropriations

SENATE INSISTS

House File 779

Senator Running called up for consideration House File 779, a bill for an act relating to and making appropriations, subject to certain conditions, to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the office of the state public defender, the department of inspections and appeals, the department of commerce, and the racing commission, among others, and effecting the laws enforced by and procedures utilized by such regulatory bodies, determining the ownership and control of certain property in the possession of the office of the state public defender, and imposing penalties, 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 779** on the part of the Senate: Senators Running, Chair; Hannon, Lloyd-Jones, Jensen and Tieden.

Senate File 517

Senator Gronstal called up for consideration Senate File 517, a bill for an act relating to and making appropriations to various state agencies including certain state elected officials, the executive council, the department of general services, the department of personnel, the department of revenue and finance, the office of state-federal relations, and the department of management, appropriating certain membership fees, restricting the expenditure of moneys from the disaster aid contingent fund, revising provisions relating to life cycle cost analyses of public facilities, transferring moneys in the Iowa economic emergency fund to the general fund of the state, and 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 517** on the part of the Senate: Senators Gronstal, Chair; Dieleman, Carr, Corning and Goodwin.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **House File 779** and **Senate File 517** be **immediately messaged** to the House.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 531** on the part of the Senate: Senators Gettings, Chair; Welsh, Husak, Nystrom and Lind.

BUSINESS PENDING

House File 448

The Senate resumed consideration of House File 448, a bill for an act relating to the coverage of real estate agents under the workers' compensation law, previously deferred.

Senator Priebe offered amendment S—4049 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—4049 was adopted by a voice vote.

Senator Peterson 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. 448) the vote was:

Ayes, 49:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kibbie
Kinley	Lind	Lloyd-Jones	Mann
Miller	Murphy	Nystrom	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Running	Scott
Soorholtz	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Hultman

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 Welsh called up the motion to reconsider House File 293 filed by him on April 10, 1989, found on page 1304 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 293) the vote was:

Ayes, 43:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Fraise	Fuhrman	Goodwin	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Hultman	Husak	Hutchins
Kibbie	Kinley	Lind	Lloyd-Jones
Mann	Miller	Murphy	Nystrom
Palmer	Peterson	Priebe	Rensink
Rife	Riordan	Running	Scott
Soorholtz	Sturgeon	Taylor	Tinsman
Vande Hoef	Varn	Welsh	

Nays, 2:

Gentleman	Tieden
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Absent or not voting, 5:

Drake	Gettings	Jensen	Pate
Szymoniak			

The motion prevailed.

Senator Welsh moved to reconsider the vote by which House File 293 went to its last reading, which motion prevailed by a voice vote.

House File 293

On motion of Senator Gentleman, House File 293, a bill for an act relating to gifts, contributions, bequests, endowments, and other moneys for purposes of the library division of the department of cultural affairs, was taken up for reconsideration.

Senator Welsh offered amendment S—3639 filed by him on April 11, 1989, to page 1 of the bill and moved its adoption.

Amendment S—3639 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. 293) the vote was:

Ayes, 44:

Boswell	Bruner	Carr	Corning
Deluhery	Dieleman	Doyle	Fraise
Fuhrman	Gentleman	Goodwin	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Kibbie
Kinley	Lind	Lloyd-Jones	Mann
Miller	Murphy	Nystrom	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Running	Scott
Soorholtz	Sturgeon	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 6:

Coleman	Drake	Gettings	Hultman
Jensen	Szymoniak		

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

UNFINISHED BUSINESS

(Deferred May 1, 1989)

Senate File 220

The Senate resumed consideration of Senate File 220, a bill for an act relating to the unclaimed winnings from and the taxes imposed on pari-mutuel wagering at racetracks in the state and providing applicability and effective dates, and amendment S—3871 as amended by Senator Priebe to strike everything after the enacting clause and to the title page of the bill and amendment S—3880 by Senator Dieleman to page 2 of amendment S—3871, deferred May 1, 1989.

Senator Dieleman asked and received unanimous consent that action on amendment S—3880 to amendment S—3871, amendment S—3871 as amended and **Senate File 220** be deferred.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent to send an **immediate message** to the House on **Senate File 531**.

Senator Horn asked and received unanimous consent that **Senate File 185** and **House Files 448** and **293** be **immediately messaged** to the House.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 490

Senator Carr called up for consideration House File 490, a bill for an act relating to the department of inspections and appeals, revising provisions governing the structure and allocation of duties within the department, changing the structure for racing and gaming regulation, providing changes in certain statutory requirements relating to bingo and other games and raffles, revising the responsibilities of the department, and providing other properly related matters, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—4044 to Senate amendment H—4045 filed May 1, 1989.

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

Senator Carr 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. 490) the vote was:

Ayes, 41:

Boswell	Bruner	Carr	Coleman
Corning	Keluhery	Dieleman	Doyle
Drake	Fraise	Gettings	Goodwin
Gronstal	Hagerla	Hannon	Hedge
Hester	Horn	Hultman	Husak
Hutchins	Kibbie	Kinley	Lind
Lloyd-Jones	Miller	Murphy	Nystrom
Palmer	Pate	Priebe	Rife
Running	Soorholtz	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Varn
Welsh			

Nays, 9:

Fuhrman	Gentleman	Jensen	Mann
Peterson	Rensink	Riordan	Scott
Vande Hoef			

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

BUSINESS PENDING

House File 271

The Senate resumed consideration of House File 271, a bill for an act relating to the repeal of a local option sales and services tax and providing an effective date, previously deferred.

Senator Husak offered amendment S—4016 filed by the committee on Ways and Means on April 28, 1989, to page 1 and the title page of the bill.

Senator Miller raised the point of order that amendment S—4016 was not germane to the bill.

The Chair ruled the point well taken and amendment S—4016 out of order.

Senator Priebe offered amendment S—4056 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—4056 was adopted by a voice vote.

Senator Doyle offered amendment S—4055 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—4055 was adopted 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. 271) the vote was:

Ayes, 46:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hannon
Hedge	Horn	Husak	Hutchins
Jensen	Kibbie	Kinley	Lind
Lloyd-Jones	Mann	Miller	Murphy
Nystrom	Palmer	Pate	Priebe
Rensink	Rife	Riordan	Running
Scott	Soorholtz	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, 2:

Hagerla Hester

Absent or not voting, 2:

Hultman Peterson

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

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Horn asked and received unanimous consent to take up for consideration House File 770.

House File 770

On motion of Senator Kibbie, House File 770, a bill for an act relating to the sales and use tax and providing an exemption from

taxation for consumer rental purchases, with report of committee recommending passage, was taken up for consideration.

Senator Kibbie 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. 770) the vote was:

Ayes, 50:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Hultman	Husak	Hutchins	Jensen
Kibbie	Kinley	Lind	Lloyd-Jones
Mann	Miller	Murphy	Nystrom
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Running
Scott	Soorholtz	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

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

BUSINESS PENDING

House File 451

The Senate resumed consideration of House File 451, a bill for an act relating to audits, amending provisions governing audits of governmental subdivisions and revising the powers and duties of the auditor of state with respect to such audits, providing for payment to the auditor of state for certain advisory and consultative services, providing for filing fees, providing properly related matters, and providing an effective date, previously deferred.

Senator Nystrom offered amendment S—4060 filed by Senators Nystrom, et al., from the floor to page 1 and the title page of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 13, nays 33.

Amendment S—4060 lost.

Senator Szymoniak offered amendment S—4064 filed by her from the floor to page 4 of the bill and called for a division of the amendment: lines 3 through 15 as division S—4064A and lines 16 through 21 as division S—4064B.

Senator Szymoniak moved the adoption of division S—4064A, which motion lost by a voice vote.

Senator Szymoniak moved the adoption of division S—4064B, which motion prevailed 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. 451) the vote was:

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

Ayes, 31:

Boswell	Coleman	Corning	Deluhery
Dieleman	Doyle	Fraise	Fuhrman
Gettings	Hagerla	Hedge	Hester
Horn	Hultman	Husak	Hutchins
Kibbie	Lind	Miller	Murphy
Palmer	Pate	Priebe	Rensink
Running	Scott	Soorholtz	Szymoniak
Tieden	Tinsman	Welsh	

Nays, 19:

Bruner	Carr	Drake	Gentleman
Goodwin	Gronstal	Hannon	Jensen
Kinley	Lloyd-Jones	Mann	Nystrom
Peterson	Rife	Riordan	Sturgeon
Taylor	Vande Hoef	Varn	

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 Files 490, 271 and 770** 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 members of the **conference committee**, appointed May 1, 1989, on **House File 774**, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational and cultural programs of this state, and providing effective dates, on the part of the House, are: The Representative from Polk, Mr. Hatch, Chair; the Representative from Black Hawk, Mr. Shoultz, the Representative from Calhoun, Mr. Maulsby, the Representative from Johnson, Mrs. Neuhauser, and the Representative from Pottawattamie, Mr. Siegrist.

ALSO: That the House has on May 2, 1989, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 470, a bill for an act relating to waste minimization and disposal (S—4062).

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

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 April 27, 1989, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 674, a bill for an act relating to victim counseling and services.

ALSO: That the House has on May 2, 1989, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

Senate File 520, a bill for an act relating to and making appropriations to the department of economic development.

ALSO: That the members of the **conference committee**, appointed May 2, 1989, on **Senate File 450**, a bill for an act relating to educational standards, including flexible scheduling within a school year, waivers of student participation in physical education if the school has flexible scheduling and the student is participating on an athletic team, and making technical changes, on the part of the House, are: The Representative from Benton, Mr. Brand, Chair; the Representative from Clinton, Mr. Ollie, the Representative from Des Moines, Mr. Cohoon, the Representative from Cherokee, Mr. Miller, and the Representative from Jefferson, Mr. Kistler.

ALSO; That the members of the **conference committee** appointed May 2, 1989, on **Senate File 517**, a bill for an act relating to and making appropriations to various state agencies including certain state elected officials, the executive council, the department of general services, the department of personnel, the department of revenue and finance, the office of state-federal relations, and the department of management, appropriating certain membership fees, restricting the expenditure of moneys from the disaster aid contingent fund, revising provisions relating to life cycle cost analyses of public facilities, transferring moneys in the Iowa economic emergency fund to the general fund of the state, and providing an effective date, on the part of the House, are: The Representative from Polk, Mr. Renaud, Chair; the Representative from Hamilton, Mrs. Adams, the Representative from Greene, Mr. Blanshan, the Representative from Buchanan, Mr. Kremer, and the Representative from Jones, Mr. McKean.

QUORUM CALL

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

The vote revealed 43 present, 7 absent and a quorum present.

BUSINESS PENDING

House File 778

The Senate resumed consideration of House File 778, a bill for an act relating to and making appropriations to the department of agriculture and land stewardship, to the department of natural resources, to an environmental fund, providing for environmental protection, and the control of certain vegetation, and providing effective dates, and amendment S—4045 by the committee on Appropriations to pages 1 through 12, 14 and the title page of the bill, previously deferred.

Senator Riordan offered amendment S—4066 filed by him from the floor to page 1 of amendment S—4045 and moved its adoption.

Amendment S—4066 was adopted by a voice vote.

Senator Coleman offered amendment S—4061 filed by him from the floor to page 7 of amendment S—4045 and moved its adoption.

Amendment S—4061 lost by a voice vote.

Senator Fraise offered amendment S—4046 filed by Senators Fraise, et al., from the floor to pages 7 and 10 of amendment S—4045 and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—4046 to amendment S—4045 be adopted?” (H.F. 778) the vote was:

Ayes, 30:

Boswell	Coleman	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gettings
Goodwin	Hagerla	Hedge	Hester
Hultman	Husak	Hutchins	Jensen
Kibbie	Miller	Murphy	Pate
Priebe	Rensink	Rife	Scott
Soorholtz	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef		

Nays, 18:

Bruner	Carr	Corning	Deluhery
Gentleman	Gronstal	Hannon	Horn
Kinley	Lind	Mann	Nystrom
Palmer	Riordan	Running	Sturgeon
Varn	Welsh		

Absent or not voting, 2:

Lloyd-Jones	Peterson
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Amendment S—4046 was adopted.

Senator Varn offered amendment S—4050 filed by him from the floor to page 12 of amendment S—4045 and moved its adoption.

Amendment S—4050 was adopted by a voice vote.

Senator Riordan asked and received unanimous consent that action on amendment S—4045 as amended be temporarily deferred.

Senator Pate offered amendment S—3996 filed by him on April 28, 1989, to page 8 of the bill and moved its adoption.

Amendment S—3996 lost by a voice vote.

Senator Varn withdrew amendment S—3977 filed by him on April 27, 1989, to pages 9 and 10 of the bill.

The Senate resumed consideration of amendment S—4045 as amended, previously deferred.

Senator Priebe offered amendment S—4070 filed by Senators Priebe, Riordan and Hester from the floor to pages 8, 9, 11 and 12 of amendment S—4045 and moved its adoption.

Amendment S—4070 was adopted by a voice vote.

Senator Riordan moved the adoption of amendment S—4045 as amended, which motion prevailed by a voice vote.

Senator Vande Hoef asked and received unanimous consent that action on **House File 778** be **deferred**.

BUSINESS PENDING

Senate File 220

The Senate resumed consideration of Senate File 220, a bill for an act relating to the unclaimed winnings from and the taxes imposed on pari-mutuel wagering at racetracks in the state and providing applicability and effective dates, amendments S—3871 as amended by Senator Priebe to strike everything after the enacting clause and to the title page of the bill, and S—3880 by Senator Dieleman to page 2 of amendment S—3871, previously deferred.

Senator Dieleman moved the adoption of amendment S—3880 to amendment S—3871.

A record roll call was requested.

On the question "Shall amendment S—3880 to amendment S—3871 be adopted?" (S.F. 220) the vote was:

Ayes, 20:

Bruner	Carr	Coleman	Dieleman
Doyle	Fraise	Fuhrman	Gronstal
Hannon	Kibbie	Kinley	Mann
Palmer	Rife	Riordan	Scott
Sturgeon	Szymoniak	Varn	Welsh

Nays, 29:

Boswell	Corning	Deluhery	Drake
Gentleman	Gettings	Goodwin	Hagerla
Hedge	Hester	Horn	Hultman
Husak	Hutchins	Jensen	Lind
Lloyd-Jones	Miller	Murphy	Nystrom
Pate	Priebe	Rensink	Running
Soorholtz	Taylor	Tieden	Tinsman
Vande Hoef			

Absent or not voting, 1:

Peterson

Amendment S—3880 lost.

Senator Hultman withdrew amendment S—4059 filed by him from the floor to page 4 of amendment S—3871.

Senator Gronstal withdrew amendment S—4051 filed by him from the floor to page 5 of amendment S—3871.

Senator Fraise withdrew amendment S—4057 filed by him from the floor to page 5 of amendment S—3871.

With the adoption of amendments S—3878 and 3881 on April 24, 1989, the Chair ruled amendment S—4039 filed by Senator Sturgeon on May 1, 1989, to pages 1 and 2 of amendment S—3871, out of order.

Senator Hultman withdrew the motion to reconsider the vote by which amendment S—3876 to amendment S—3871 was adopted by the Senate on April 24, 1989, filed by him on May 1, 1989, and found on page 1809 of the Senate Journal.

Senator Priebe moved the adoption of amendment S—3871 as amended, which motion prevailed by a voice vote.

With the adoption of amendment S—3871 as amended, the Chair ruled the following amendments out of order:

S—3134 filed by the committee on Ways and Means on February 28, 1989, to pages 1 and 3 of the bill.

S—3162 filed by Senator Jensen on March 2, 1989, to amendment S—3134.

S—3172 filed by Senator Murphy on March 6, 1989, to amendment S—3134.

S—3305 filed by Senator Hultman on March 20, 1989, to page 1 of the bill.

S—3445 filed by Senator Jensen on March 28, 1989, to amendment S—3134.

S—3727 filed by Senator Dieleman on April 17, 1989, to amendment S—3134.

S—3728 filed by Senator Dieleman on April 17, 1989, to page 1 of the bill.

S—4038 filed by Senator Sturgeon on May 1, 1989, to page 1 and the title page of the bill.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Peterson for the remainder of the day on request of Senator Hutchins.

BUSINESS PENDING

Senate File 220

The Senate resumed consideration of Senate File 220.

Senator Murphy 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. 220) the vote was:

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

Ayes, 32:

Boswell	Carr	Coleman	Corning
Deluhery	Fraise	Gentleman	Gettings
Hester	Horn	Hultman	Husak
Hutchins	Jensen	Kibbie	Kinley
Lind	Lloyd-Jones	Miller	Murphy
Nystrom	Pate	Priebe	Rife
Running	Soorholtz	Sturgeon	Szymoniak
Tieden	Tinsman	Varn	Welsh

Nays, 17:

Bruner	Dieleman	Doyle	Drake
Fuhrman	Goodwin	Gronstal	Hagerla
Hannon	Hedge	Mann	Palmer
Rensink	Riordan	Scott	Taylor
Vande Hoef			

Absent or not voting, 1:

Peterson

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 Senate File 220 be immediately messaged to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Szymoniak for the remainder of the day on request of Senator Hutchins.

BUSINESS PENDING

House File 778

The Senate resumed consideration of House File 778, a bill for an act relating to and making appropriations to the department

of agriculture and land stewardship, to the department of natural resources, to an environmental fund, providing for environmental protection, and the control of certain vegetation, and providing effective dates, previously deferred.

Senator Vande Hoef offered amendment S—4071 filed by him from the floor to page 12 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 20, nays 25.

Amendment S—4071 lost.

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?" (H.F. 778) the vote was:

Ayes, 41:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Hagerla	Hedge
Hester	Horn	Hultman	Hutchins
Jensen	Kibbie	Kinley	Lind
Lloyd-Jones	Miller	Murphy	Nystrom
Palmer	Pate	Priebe	Rensink
Rife	Riordan	Scott	Soorholtz
Sturgeon	Taylor	Tinsman	Varn
Welsh			

Nays, 3:

Running	Tieden	Vande Hoef
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Absent or not voting, 6:

Gronstal	Hannon	Husak	Mann
Peterson	Szymoniak		

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 778** 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 769.

House File 769

On motion of Senator Riordan, House File 769, a bill for an act creating an Iowa resources enhancement and protection fund, providing for the allocation of fund revenue and making appropriations, authorizing a state-sponsored credit card, providing for properly related matters, subjecting violators to penalties, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

President pro tempore Mann took the chair at 7:09 p.m.

Senator Riordan offered amendment S—4029 filed by the committee on Ways and Means on May 1, 1989, to pages 4, 5, 7, 8 and 13 of the bill.

Senator Riordan offered amendment S—4065 filed by Senators Riordan, et al., from the floor to amendment S—4029 and moved its adoption.

Amendment S—4065 was adopted by a voice vote.

Senator Riordan moved the adoption of amendment S—4029 as amended, which motion prevailed by a voice vote.

With the adoption of amendment S—4065 to amendment S—4029, the Chair ruled amendment S—4047 filed by Senators Fuhrman, et al., from the floor to page 4 of the bill, out of order.

Senator Kibbie offered amendment S—4037 filed by Senators Kibbie and Soorholtz on May 1, 1989, to page 9 of the bill and moved its adoption.

Amendment S—4037 lost by a voice vote.

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?" (H.F. 769) the vote was:

Ayes, 40:

Boswell	Bruner	Carr	Corning
Deluhery	Dieleman	Doyle	Fraise
Gentleman	Gettings	Goodwin	Gronstal
Hannon	Hedge	Hester	Horn
Hultman	Husak	Hutchins	Jensen
Kibbie	Kinley	Lind	Lloyd-Jones
Mann	Miller	Murphy	Nystrom
Palmer	Pate	Priebe	Rensink
Riordan	Running	Scott	Sturgeon
Tieden	Tinsman	Varn	Welsh

Nays, 6:

Coleman	Fuhrman	Hagerla	Rife
Soorholtz	Vande Hoef		

Absent or not voting, 4:

Drake	Peterson	Szymoniak	Taylor
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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 769** 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 members of the **conference committee**, appointed May 2, 1989, on **House File 779**, a bill for an act relating to and making appropriations, subject to certain

conditions, to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the office of the state public defender, the department of inspections and appeals, the department of commerce, and the racing commission, among others, and effecting the laws enforced by and procedures utilized by such regulatory bodies, determining the ownership and control of certain property in the possession of the office of the state public defender, and imposing penalties, on the part of the House, are: The Representative from Dubuque, Mr. Jochum, Chair; the Representative from Polk, Mr. Bisignano, the Representative from Johnson, Mrs. Doderer, the Representative from Story, Mrs. Garman, and the Representative from Linn, Mrs. Lundby.

ALSO: That the House has on May 2, 1989, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bills in which the concurrence of the Senate is asked:

House File 579, a bill for an act relating to involuntary hospitalization procedures applicable to the mentally ill (S—4074 to H—4364).

House File 775, a bill for an act relating to and making appropriations to the civil rights commission, the department of human rights, the department for the blind, the department of elder affairs, and the Iowa department of public health (S—4073 to H—4329).

APPENDIX

REPORTS OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 532, the following correction was made:

1. In the Senate amendment to the House amendment, the Code language on page 1, line 26, was corrected to read: "actual expenses".

2. Page 23, line 12, the words "Sections 13, 14, and 15" were changed to the words "Sections 13, 15, and 16".

3. Page 23, line 14, the words "Section 100" were changed to the words "Section 14".

ALSO: I report that in enrolling Senate file 520, the following corrections were made:

1. Page 1, line 23, the words "provide cassette tape" were changed to the words "provide cassette tape".

2. Page 2, line 18, the words "historical scoiety" were changed to the words "historical society".

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:

To Lt. Governor Zimmerman and members of the Iowa Senate:

The members of my family and I wish you to know how much we appreciate all of your kind expressions of sympathy.

The flowers were beautiful, and the resolution is something we will always cherish.

The attendance of so many senators and their wives at the funeral home and at the church was very heart-warming to all of us.

Thank you all,
Betty Schwengels and Family

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on May 1, 1989, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 82 — Relating to jurisdiction over and discipline of members of the Iowa National Guard.

SENATE FILE 112 — Relating to nonsubstantive code corrections.

SENATE FILE 121 — Relating to the possession or making of motor vehicle licenses, nonoperator's identification cards, and blank motor vehicle license forms, and providing penalties.

SENATE FILE 130 — Relating to the establishment and operation of point-of-sale and automatic teller machine terminals and providing an effective date.

SENATE FILE 155 — Relating to the availability of counseling services to children who are members of a household where an incident involving domestic abuse has occurred.

SENATE FILE 174 — Relating to the extension of the foreclosure moratorium as provided in the governor's declaration of economic emergency made on October 1, 1985, and providing for the retroactive applicability of the Act and an effective date.

SENATE FILE 203 — Relating to escorts during the transfer of inmates committed to the custody of the director of the department of corrections.

SENATE FILE 216 — Relating to the issuance of cremation permits, providing reporting requirements, providing for the payment of costs, and making penalties applicable.

ALSO:

Communications were received announcing that on May 2, 1989, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 218 — Relating to the investments of credit unions, by permitting investment in corporate bonds as defined by rule of the administrator.

SENATE FILE 231 — Relating to the regulation of alternate operator services, making civil penalties applicable, and providing for an effective date.

SENATE FILE 253 — Relating to the time within which a postconviction relief action may be brought which arises out of a prison disciplinary proceeding and providing an effective date and an applicability provision.

SENATE FILE 260 — Eliminating the ability of utilities division staff to file a complaint with the utilities board alleging that a utility's rates are excessive following an investigation by division staff, a special audit, continuous review of operations, or review of annual reports.

SENATE FILE 300 — Relating to the annexation of territory including secondary roads.

SENATE FILE 343 — Relating to recovery of merchandise or damages and providing for civil penalties.

SENATE FILE 346 — Relating to the adoption by the division of labor services of the department of employment services of rules based on the most recent federal occupational safety and health administration's standards.

SENATE FILE 364 — Authorizing the board of supervisors to waive a tax penalty, interest, or cost if a clerical error is found.

SENATE FILE 367 — Relating to the powers and duties of county recorders.

SENATE FILE 373 — Relating to public utilities and their affiliates, with civil penalties applicable.

MOTION TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which House File 451 passed the Senate on May 2, 1989.

JOE WELSH

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 2th day of May, 1989:

Senate Files 520, 532 and 534.

JOHN F. DWYER
Secretary of the Senate

CONFERENCE COMMITTEE REPORT RECEIVED
(Senate File 157)

A conference committee report signed by the following Senate and House members was filed May 2, 1989, on Senate File 157, a bill for an act relating to driving privileges of fourteen-year-old drivers, permitting attendance at approved driver education courses, requiring completion of driver education before issuance of a school license, and removing time limits on use of a school license:

On the Part of the Senate:

C. JOSEPH COLEMAN, Chair
JOHN P. KIBBIE
LARRY MURPHY
JACK NYSTROM
RICHARD VANDE HOEF

On the Part of the House:

DANIEL P. FOGARTY, Chair
JACK BEAMAN
JOSEPHINE GRUHN
BILL D. ROYER
MARK S. SHEARER

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: HOUSE FILE 772, a bill for an act relating to and making appropriations to the justice system.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—4069.

Final Vote: Ayes, 18: Welsh, Boswell, Tieden, Corning, Fraise, Goodwin, Gronstal, Husak, Lind, Lloyd-Jones, Pate, Peterson, Rensink, Riordan, Running, Sturgeon, Tinsman and Varn. Nays, none. Absent or not voting, 3: Bruner, Gettings and Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S—4057	S. F.	220	Eugene Fraise
S—4058	S. F.	519	Donald Doyle
			Eugene Fraise
			Bob Carr
			Michael Gronstal
S—4059	S. F.	220	Calvin Hultman

S—4060	H.F.	451	Jack Nystrom Bob Carr Michael Gronstal Larry Murphy
S—4061	H.F.	778	C. Joseph Coleman
S—4062	S.F.	470	House amendment
S—4063	S.F.	519	Tom Mann, Jr. Donald Doyle Bob Carr
S—4064	H.F.	451	Elaine Szymoniak
S—4065	H.F.	769	Jim Riordan Emil Husak Leonard Boswell C. Joseph Coleman
S—4066	H.F.	778	Jim Riordan
S—4067	H.F.	780	Donald Doyle
S—4068	H.F.	772	Joe Welsh
S—4069	H.F.	772	Appropriations
S—4070	H.F.	778	Berl Priebe Jim Riordan Jack Hester
S—4071	H.F.	778	Richard Vande Hoef
S—4072	H.F.	764	Calvin Hultman
S—4073	H.F.	775	House amendment
S—4074	H.F.	579	House amendment

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 7:20 p.m., until 9:00 a.m., Wednesday, May 3, 1989.

JOURNAL OF THE SENATE

ONE HUNDRED FIFTEENTH CALENDAR DAY
SEVENTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, May 3, 1989

The Senate met in regular session at 9:05 a.m., President Zimmerman presiding.

Prayer was offered by the Honorable Jack W. Hester, member of the Senate from Pottawattamie County, Honey Creek, Iowa.

The Journal of Tuesday, May 2, 1989, 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 2, 1989, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 541, a bill for an act relating to human services and making appropriations to the department of human services, other properly related matters, providing for retroactive applicability, and providing an effective date (S—4076).

Senate File 540, a bill for an act relating to human services statutes providing for or regarding substance abuse commitment of juveniles, psychiatric medical institutions for children, the council on human services, mentally ill juveniles, child abuse, payment for a child's expenses, the costs of a child's care in a state juvenile institution, child support recovery, and certain administrative rules, properly related matters, providing for effective dates, and providing penalties (S—4077).

ALSO: That the House has on May 2, 1989, passed the following bill in which the concurrence of the Senate is asked:

House File 787, a bill for an act relating to environmental protection including provisions regarding commercial feed, pesticides and fertilizers, establishing fees, providing penalties, making appropriations, and providing for other properly related matters.

This bill was read first time and **assigned to the committee on Ways and Means**.

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 157

Senator Coleman called up for conference committee report on Senate File 157, a bill for an act relating to driving privileges of fourteen-year-old drivers, permitting attendance at approved driver education courses, requiring completion of driver education before issuance of a school license, and removing time limits on use of a school license, filed on May 2, 1989, and moved its adoption.

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

Senator Coleman 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. 157) the vote was:

Ayes, 30:

Boswell	Coleman	Dieleman	Doyle
Fraise	Fuhrman	Gettings	Goodwin
Hedge	Hester	Horn	Hultman
Husak	Hutchins	Jensen	Kibbie
Kinley	Lind	Mann	Miller
Murphy	Nystrom	Priebe	Rensink
Riordan	Scott	Soorholtz	Sturgeon
Vande Hoef	Varn		

Nays, 18:

Bruner	Corning	Deluherly	Drake
Gentleman	Gronstal	Hagerla	Hannon
Lloyd-Jones	Palmer	Pate	Peterson

Rife	Running	Szymoniak	Tieden
Tinsman	Welsh		

Absent or not voting, 2:

Carr	Taylor
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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 TO SENATE AMENDMENT CONSIDERED

House File 775

Senator Sturgeon called up for consideration House File 775, a bill for an act relating to and making appropriations to the civil rights commission, the department of human rights, the department for the blind, the department of elder affairs, and the Iowa department of public health, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—4073 to Senate amendment H—4329 filed May 2, 1989.

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

Senator Sturgeon 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. 775) the vote was:

Ayes, 47:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Fraise	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Husak
Hutchins	Jensen	Kibbie	Kinley
Lind	Lloyd-Jones	Mann	Miller
Murphy	Nystrom	Palmer	Pate

Peterson	Priebe	Rensink	Rife
Riordan	Running	Scott	Soorholtz
Sturgeon	Szymoniak	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Drake	Hultman	Taylor
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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 (Deferred May 2, 1989)

Senate File 141

The Senate resumed consideration of Senate File 141, a bill for an act relating to statutory corrections which adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, and remove ambiguities, and House amendment S—3892, deferred May 2, 1989.

Senator Doyle moved that the Senate concur in the House amendment.

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

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 579

Senator Sturgeon called up for consideration House File 579, a bill for an act relating to involuntary hospitalization procedures applicable to the mentally ill, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—4074 to Senate amendment H—4364 filed May 2, 1989.

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

Senator Sturgeon 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. 579) the vote was:

Ayes, 49:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Hultman	Husak	Hutchins	Jensen
Kibbie	Kinley	Lind	Lloyd-Jones
Mann	Miller	Murphy	Nystrom
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Running
Scott	Soorholtz	Sturgeon	Szymoniak
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Taylor

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

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Hutchins asked and received unanimous consent to take up out of order House File 751.

House File 751

On motion of Senator Riordan, House File 751, a bill for an act relating to the remittance of the local option tax to local

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

Senator Riordan asked and received unanimous consent that action on **House File 751** be deferred.

HOUSE AMENDMENT CONSIDERED

Senate File 519

Senator Carr called up for consideration Senate File 519, a bill for an act relating to the chairperson of the board of parole and the board of parole, amended by the House in House amendment S—3983 filed April 28, 1989.

Senator Mann offered amendment S—4063 filed by Senators Mann, Doyle and Carr on May 2, 1989, to House amendment S—3963 and moved its adoption.

Amendment S—4063 was adopted by a voice vote.

Senator Doyle offered amendment S—4058 filed by Senators Doyle, et al., on May 2, 1989, to House amendment S—3983 and moved its adoption.

Amendment S—4058 was adopted by a voice vote.

Senator Carr moved that the Senate concur in the House amendment 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. 519) the vote was:

Ayes, 44:

Boswell	Bruner	Carr	Coleman
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Hagerla	Hannon
Hedge	Hester	Hultman	Husak
Hutchins	Jensen	Kinley	Lind
Lloyd-Jones	Mann	Miller	Nystrom

Palmer	Pate	Peterson	Priebe
Rensink	Riordan	Running	Scott
Soorholtz	Sturgeon	Szymoniak	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 6:

Corning	Horn	Kibbie	Murphy
Rife	Taylor		

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 2, 1989)

House File 758

The Senate resumed consideration of House File 758, a bill for an act permitting forfeiture of the penal bond when a class "E" liquor licensee violates the bootlegging law; permitting claims against penal bonds for failure or refusal to pay an alcoholic beverage control tax when due, establishing an administrative appeals process for disputed tax assessments, permitting the administrator to compromise disputed tax assessments, and permitting imposition of civil penalties on wholesalers for violations of law and administrative rules; and relating to coupons or rebates as incentives to purchase wine, and amendment S—3906 by the committee on Ways and Means to page 2 and the title page of the bill, deferred May 2, 1989.

Senator Fraise moved the adoption of amendment S—3906, which motion prevailed by a voice vote.

Senator Fraise 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. 758) the vote was:

Ayes, 46:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hagerla
Hannon	Hester	Horn	Hultman
Husak	Hutchins	Jensen	Kibbie
Kinley	Lind	Lloyd-Jones	Mann
Miller	Murphy	Nystrom	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Running	Scott
Soorholtz	Sturgeon	Szymoniak	Tieden
Tinsman	Varn		

Nays, 3:

Hedge	Taylor	Vande Hoef
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Absent or not voting, 1:

Welsh

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 366

Senator Murphy called up for consideration Senate File 366, a bill for an act authorizing a city to seek judgment against a property owner for improvements made to a property, amended by the House in House amendment S—3604 filed April 10, 1989.

Senator Palmer offered amendment S—3645 filed by him on April 11, 1989, to House amendment S—3604.

Senator Murphy raised the point of order that amendment S—3645 to House amendment S—3604 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—3645 in order.

Senator Palmer moved the adoption of amendment S—3645 to House amendment S—3604, which motion prevailed by a voice vote.

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

Senator Murphy 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. 366) the vote was:

Ayes, 50:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Hultman	Husak	Hutchins	Jensen
Kibbie	Kinley	Lind	Lloyd-Jones
Mann	Miller	Murphy	Nystrom
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Running
Scott	Soorholtz	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

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

UNFINISHED BUSINESS (Deferred April 14, 1989)

House File 459

The Senate resumed consideration of House File 459, a bill for an act relating to the disposition of seizable and forfeitable property, by modifying provisions relating to seizable property and seizure of vehicles, by providing for classes of forfeiture property, amending the burden of proof at forfeiture proceedings, providing for conditions of forfeiture, establishing certain

affirmative defenses, presumptions, and counterclaims, providing for the award of attorney fees, and providing an applicability date and an effective date, deferred April 14, 1989.

Senator Mann offered amendment S—3865 filed by Senators Mann, et al., on April 24, 1989, to pages 1 through 5 and 7 through 9 of the bill.

Senator Mann offered amendment S—3921 filed by him on April 26, 1989, to amendment S—3865.

Senator Mann asked and received unanimous consent that action on amendment S—3921 to amendment S—3865 be deferred.

Senator Mann offered amendment S—3936 filed by him on April 26, 1989, to amendment S—3865 and moved its adoption.

Amendment S—3936 was adopted by a voice vote.

With the adoption of amendment S—3936 to amendment S—3865, the Chair ruled the following amendments out of order:

S—3893 filed by Senator Mann on April 25, 1989, to amendment S—3865.

S—3921 by Senator Mann to amendment S—3865, previously deferred.

Senator Mann offered amendment S—3866 filed by him on April 24, 1989, to amendment S—3865 and moved its adoption.

Amendment S—3866 was adopted by a voice vote.

Senator Mann moved the adoption of amendment S—3865 as amended, which motion prevailed by a voice vote.

Senator Mann withdrew amendment S—3869 filed by him on April 24, 1989, to page 3 of the bill and amendment S—3744 filed by him on April 18, 1989, to pages 3, 4, 7 and 8 of the bill.

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. 459) the vote was:

Ayes, 46:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Gentleman	Gettings
Goodwin	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Hultman
Husak	Jensen	Kibbie	Kinley
Lind	Lloyd-Jones	Mann	Miller
Murphy	Nystrom	Palmer	Pate
Peterson	Priebe	Rensink	Riordan
Running	Scott	Soorholtz	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn		

Nays, none.

Absent or not voting, 4:

Fuhrman	Hutchins	Rife	Welsh
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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 Lloyd-Jones asked and received unanimous consent that **House Files 579, 775 and Senate Files 141, 157, 519 and 366** be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Horn for the remainder of the morning on request of Senator Lloyd-Jones.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 71

Senator Gronstal called up for consideration House File 71, a bill for an act establishing pilot projects for a peer review court as a diversion program for offenders ten through seventeen years of age, amended by the Senate, further amended by the House

and moved that the Senate concur in House amendment S—3982 to Senate amendment H—4155 filed April 28, 1989.

The motion prevailed by a voice vote 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. 71) the vote was:

Ayes, 41:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Gentleman	Gettings	Goodwin	Gronstal
Hagerla	Hannon	Hedge	Hester
Husak	Jensen	Kibbie	Kinley
Lind	Lloyd-Jones	Mann	Miller
Murphy	Nystrom	Peterson	Priebe
Rensink	Rife	Running	Scott
Soorholtz	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, 2:

Drake	Fuhrman
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Absent or not voting, 7:

Fraise	Horn	Hultman	Hutchins
Palmer	Pate	Riordan	

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

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Lloyd-Jones asked and received unanimous consent to take up out of order House File 764.

House File 764

On motion of Senator Gronstal, House File 764, a bill for an act relating to the establishment of real estate education programs and making an appropriation, with report of committee recommending passage, was taken up for consideration.

Senator Hultman offered amendment S—4072 filed by him on May 2, 1989, to page 2 and the title page of the bill and moved its adoption.

Amendment S—4072 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. 764) the vote was:

Ayes, 42:

Boswell	Bruner	Corning	Deluhery
Dieleman	Doyle	Drake	Fuhrman
Gentleman	Gettings	Goodwin	Gronstal
Hagerla	Hannon	Hedge	Hester
Husak	Jensen	Kibbie	Kinley
Lind	Lloyd-Jones	Mann	Miller
Murphy	Nystrom	Palmer	Peterson
Priebe	Rensink	Rife	Running
Scott	Soorholtz	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Voting present, 2:

Coleman	Hultman
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Absent or not voting, 6:

Carr	Fraise	Horn	Hutchins
Pate	Riordan		

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 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 1, 1989, passed the following bills in which the concurrence of the House was asked:

Senate File 132, a bill for an act relating to the fee retained by county treasurers for use tax collection on vehicles.

Senate File 423, a bill for an act exempting from state taxes certain bonds and notes issued by the agricultural development authority.

ALSO: That the House has, on May 1, 1989, adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 16, a resolution to urge and petition the United States Department of Defense to establish an all-services museum located at Fort Des Moines, Iowa.

ALSO: That the House has on May 1, 1989, 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 178, a bill for an act relating to the department of inspections and appeals and its licensing, rulemaking, and enforcement authority with respect to health and human resources matters, and providing properly related matters (S—4078 to H—4174).

ALSO: That the House has on May 1, 1989, passed the following bill in which the concurrence of the Senate is asked:

House File 754, a bill for an act providing a state sales tax exemption for certain medical equipment.

This bill was read first time and assigned to the committee on **Ways and Means**.

ALSO: That the House has on May 2, 1989, **refused to concur** in the Senate amendment to the following bills in which the concurrence of the House was asked:

House File 271, a bill for an act relating to the repeal of a local option sales and services tax and providing an effective date.

House File 728, a bill for an act relating to official publications by amending rates for county publication of board proceedings, by reducing the specific information required in county care facility inventory publications, by permitting division of the delinquent tax list for publication, by establishing a minimum type size, by reducing publication fees when publication is not timely made, and by eliminating the requirement for publication of notice of textbook purchase.

IMMEDIATELY MESSAGED

Senator Lloyd-Jones asked and received unanimous consent that **House Files 71 and 764** be **immediately messaged** to the House.

UNFINISHED BUSINESS
(Deferred April 13, 1989)

House File 675

The Senate resumed consideration of House File 675, a bill for an act relating to the establishment and financing of geographic data base systems by cities and counties, deferred April 13, 1989.

Senator Szymoniak 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, 38:

- | | | | |
|-------------|-----------|----------|------------|
| Boswell | Bruner | Carr | Corning |
| Deluhery | Dieleman | Doyle | Drake |
| Gentleman | Gettings | Goodwin | Gronstal |
| Hannon | Hedge | Hester | Husak |
| Jensen | Kibbie | Kinley | Lind |
| Lloyd-Jones | Mann | Miller | Murphy |
| Pate | Peterson | Priebe | Running |
| Scott | Soorholtz | Sturgeon | Szymoniak |
| Taylor | Tieden | Tinsman | Vande Hoef |
| Varn | Welsh | | |

Nays, 6:

Coleman	Fuhrman	Hagerla	Hultman
Nystrom	Rensink		

Absent or not voting, 6:

Fraise	Horn	Hutchins	Palmer
Rife	Riordan		

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

UNFINISHED BUSINESS (Deferred April 14, 1989)

House File 623

The Senate resumed consideration of House File 623, a bill for an act relating to developing comprehensive management plans with owners of highly erodible land, deferred April 14, 1989.

President pro tempore Mann took the chair at 11:25 a.m.

Senator Boswell 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. 623) the vote was:

Ayes, 47:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Goodwin	Gronstal	Hagerla	Hannon
Hedge	Hester	Hultman	Husak
Hutchins	Jensen	Kibbie	Kinley
Lind	Lloyd-Jones	Mann	Miller
Nystrom	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Running	Scott	Soorholtz	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Gettings

Horn

Murphy

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 675, 623 and 459** be immediately messaged to the House.

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 3, 1989, passed the following bills in which the concurrence of the House was asked:

Senate File 512, a bill for an act relating to chemical emergencies, providing for the establishment of the Iowa emergency response commission and specifying its powers and duties, providing for intergovernmental agreements, providing for the designation of local emergency planning districts and the appointment of local emergency planning committees, providing for immunity from liability, providing disclosure requirements, authorizing civil actions by the commission, and providing properly related matters.

Senate File 526, a bill for an act to legalize proceedings of the city council of the city of Ventura relating to the method of payment for a construction project and providing an effective date.

ALSO: That the House has on May 3, 1989, passed the following bills in which the concurrence of the Senate is asked:

House File 782, a bill for an act relating to the revocation of a motor vehicle license or nonresident operating privilege as the result of a conviction for certain vehicular homicide offenses.

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

House File 790, a bill for an act relating to the voluntary certification of real estate appraisers, real estate appraisal standards, and providing for penalties.

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

RECESS

On motion of Senator Hutchins, the Senate recessed at 11:40 a.m., until 2:00 p.m.

APPENDIX

GOVERNOR'S ITEM VETO MESSAGE

May 2, 1989

The Honorable Jo Ann Zimmerman
President of the Senate
State Capitol Building
L O C A L

Dear Madam President:

I hereby transmit Senate File 363, an act relating to and making supplemental appropriations to the auditor of state, department of general services, department of human services, college aid commission, state board of regents, Iowa department of public health, department of commerce, department of corrections, judicial department, department of cultural affairs, Iowa state fair authority, department of agriculture and land stewardship, department of natural resources, department of public defense, state department of transportation, and council of state governments for the remainder of the fiscal year ending June 30, 1989, and providing an effective date.

Senate File 363 appropriates \$50.4 million in state general fund money in this fiscal year -- which ends in just two months. While many of the projects including in Senate File 363 are worthy and deserve consideration for future funding, I object strongly to the basis upon which this spending bill was passed.

Many of the programs receiving appropriations would not even begin until next fiscal year, a fact recognized repeatedly by the anti-reversion clauses included throughout the bill. This reverse deficit spending is a bad budgeting and accounting practice. And the result is equally bad; income taxpayers would fail to get some tax relief.

Let me explain. Flush with state revenues growing greater than had been anticipated in December, the General Assembly went on a \$50 million April spending binge, leaving the state taxpayers with a \$9 million hangover next year. By spending so much money yet this fiscal year the state would almost certainly fail to reach a \$60 million ending balance on June 30. In fact, current estimates place the ending balance at \$41 million. The result: many state income taxpayers will be kicked into higher income tax rates costing them a total of \$9 million next tax year. Why? Because a \$60 million ending balance is required by law before indexing of income tax rates takes place. Iowa's income taxes are high enough the way it is; we don't need to make them any higher through a spending sleight of hand.

We ought to go through with indexing income tax rates as planned. To do so would provide six times as much tax relief to low income Iowans as those in the upper income levels. Therefore, I reject notions that indexing somehow favors the wealthy -- it is, in fact, fair and progressive.

It is for that reason that I am required to veto approximately \$20.5 million in spending from Senate File 363. I have been assured by our state budget officials that based on current revenue estimates vetoing this amount of spending should be sufficient to ensure a \$60 million balance at the end of this fiscal year.

I am willing to consider in future fiscal years many of the appropriation items I am not willing to obligate spending to force a tax increase on Iowa income taxpayers.

Senate File 363 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 6, subsection 5, subparagraphs r through ab. This part of Senate File 363 appropriates \$1 million to the Department Human Services for major maintenance projects to spend up to \$517,000 to address the highest priorities of the department for major maintenance at the institutions; further appropriations for this purpose can be considered in appropriate fiscal years.

I am unable to approve the item designated as Section 6, subsection 6 in its entirety. This provision provides an additional \$1.7 million in spending for major maintenance projects at the mental health institutes and hospital schools. The \$517,000 approved in subsection 5 will provide funds for the most serious of these problems; the needs identified in subsection 6 can be better addressed in future fiscal years.

I unable to approve the item designated as Section 6, subsection 7, subparagraphs b through w. This action will provide the Department of Human Services with \$600,000 to remodel the student housing building at the Eldora Training School which is in desperate need of such renovation. I recommended financing for this project in the lottery, but I am willing to accept this method of funding. The remaining capital improvement items included in subsection 7 can be more appropriately addressed in a future fiscal year.

I am unable to approve the item designated as Section 6, subsection 10 in its entirety. This section of the bill prevents a reversion of unspent funds until March 30 of 1990. Such unspent funds should revert by June 30 of this year in order to ensure a \$60 million ending balance. If this section were not item vetoed, all of the projects in these sections would have to be vetoed to assure indexation will occur.

The approved portions of Section 6 will provide DHS with a total of \$1.1 million to address some of the most critical major maintenance and capital needs. The remaining portion the lump sum appropriations will remain unspent, consistent with the Brady Rule which was recognized by the Iowa Attorney General's Office Op. Att'y. Gen. No. 87-6-4 (June 26, 1987) and the Iowa Supreme Court Welden v. Ray, 229 N.W.2d 706, 714 (Iowa 1975).

I am unable to approve the item designated as Section 11 in its entirety. This section provides \$1 million of new money to set up emergency juvenile shelters throughout the state. This would appear to be an ongoing commitment of state funds for this purpose; it is inappropriate to start this new program in a supplemental bill with full recognition that the funds would not be able to be spent this fiscal year. Emergency juvenile shelters are a serious problem and can be addressed by the legislature in a more appropriate fiscal year.

I am unable to approve the item designated as Section 13, subsection 1, unnumbered paragraph 2; and Section 13, subsection 2, subparagraph a, subparagraphs 6 through 22; and Section 13, subsection 2, subparagraph b, in its entirety. The effect of this item veto will be to provide the Department of Corrections with \$1.1 million for essential major maintenance and capital projects. While the department clearly has a significant need for major maintenance and capital renovation, the majority of these funds would not be able to be spent in Fiscal Year 1989 anyway and should be considered in a future fiscal year.

Moreover, some of the essential capital renovation needs in the institutions can be accomplished by adoption of my recommendations to add additional secure prison beds which are critically needed to protect the public safety.

I am unable to approve the item designated as Section 16, subsection 3 and unnumbered paragraph 1 in its entirety. This provision of Senate File 363 provides \$1.8 million to the judicial system to automate child support collections. At the present time, the Department of Human Services has a fully computerized child support collection system operating in an acceptable way. However, legislation passed last year requires that child support collections be transferred to the Judicial Department in the coming fiscal year. It would be far wiser for the Department of Human Services and the Judicial Department to work out a transfer of the automated system established at the Department of Human Services for the AFDC cases. To do so would save the state at least \$1.8 million and could also avoid jeopardizing approximately \$3 million in federal support.

I am unable to approve the item designated as Section 18 in its entirety. This provision of the bill could add to the state's generally accepted accounting principles (GAAP) deficit. Section 18 requires that certain excessive obligations of the state for Fiscal Year 1989 be paid for by the state in Fiscal Year 1990. Pushing such obligations off at the same time the legislature is spending an additional \$50 million of state funds in Fiscal Year 1989 to avoid state income tax indexing is uncalled for and cannot be supported. If additional funds are needed to pay indigent defense claims, appropriations transfers or adjustments should be sought.

I am unable to approve the item designated as Section 19, Subsections 2, 3, 4 and 5 in their entirety. This portion of Senate File 363 appropriates funds to the Regent institutions for various capital projects. I have recommended a number of these projects be funded as part of our contingency appropriations in Fiscal Year 1990 and continue to believe that they should be considered for such an appropriation.

I have approved subsection 1 of this section which will allow the University of Northern Iowa to complete its construction of a new boiler which was obligated last fiscal year and subsection 6 of this section to provide over \$1.2 million for essential fire and environmental safety improvements at the Regent institutions.

The other projects including for spending this year would not reasonably be obligated in Fiscal Year 89 and should therefore be considered in a future fiscal year.

I am unable to approve the item designated as Sections 22 and 23 in their entirety. This portion of Senate File 363 provides funding to the Department of Cultural Affairs for a transmitter and a library conference. I question the need to appropriate \$30,000 of funds to rewire for a library conference; however, if such a need exists the appropriations should be made in the correct fiscal year. The transmitter could also be considered in a future fiscal year.

I am unable to approve that item designated as Sections 25 and 26 in their entirety; the portions of Section 29 so designated; and Sections 30 and 31 in their entirety.

These items provide additional money to the Department of Agriculture for various purposes. Funds for video equipment and desk top publishing computer equipment are vetoed from this bill. If the legislature wants to consider providing such equipment to the Department of Agriculture it should be considered in a future fiscal year.

I am unable to approve that item designated as Section 37 in its entirety. This Section of the bill provides \$500,000 of general fund money for airport terminal improvements. This fiscal year \$250,000 of Road Use Tax Funds are already provided for such improvements. If the legislature wishes to start a new program providing general fund money for airport terminal improvements, it should be considered in a future fiscal year.

I am unable to approve the designated portion of Section 38, unnumbered paragraph 2, and unnumbered paragraphs 3, 4 and 7. This item in Senate 363 provides \$7.9 million of funds to the Department of General Services for various capitol complex projects.

Specifically, \$5.5 million is provided to continue the restoration of the capitol building. Indeed, \$900,000 of those funds have already been obligated. And therefore, the \$5.5 million for the capitol building restoration is approved by my action. However, the \$2.4 million of funds appropriated to design a new legislative office building and to design two new parking ramps cannot be approved. Planning and design money for this purpose had been appropriated last year and these additional funds cannot be spent this fiscal year, in any event. Moreover, I cannot approve the construction of a new legislative office building and other facilities on the capitol complex at this time.

I am unable to approve the items designated as Sections 40 and 41 in their entirety.

These sections of Senate File 363 appropriate funds to the Department of Personnel and the Department of Human Services to construct a child care center on the capitol complex and to recruit child care providers. The state has, in the recently concluded collective bargaining negotiations, authorized pre-tax benefits for child care for all state employees. I believe that is the most appropriate way to give state employees who are parents of children a choice providing their children with appropriate care. Moreover, this appropriation and funds to recruit child care providers can be more appropriately considered in a future fiscal year.

I am unable to approve the item designated as Section 44 in its entirety.

This section of the bill appropriates \$3 million to the Iowa Finance Authority for various housing programs. I am generally supportive of these housing programs and have recommended their funding through lottery appropriations in Fiscal year 1990. Indeed, the drafts of the Lottery bill that my office is aware of have included substantial funds for these housing programs. In addition, Section 45 of this bill provides an additional \$1.5 million to the Iowa Finance Authority for housing purposes. In all, as much as \$5 million could be available to the Iowa Finance Authority for housing in Fiscal Year 1990 compared with \$1.5 million this year. As a result, the \$3 million appropriation provided for in this supplemental bill is not necessary at this time.

In short, Senate File 363 includes over \$50 million of additional spending this fiscal year. Much of this spending cannot be reasonably obligated or utilized during the two months that remain in our state fiscal year. However, the legislature clearly attempted to appropriate the funds at this time to ensure that the state's ending balance would fall below the \$60 million needed to trigger indexing of income tax rates. I cannot support that effort to increase income taxes for Iowans by approximately \$9 million for the next tax year.

I have, with these item vetoes, attempted to recognize some of the key priorities of this administration and the General Assembly. However, the \$20.4 million of spending which is eliminated from this bill is necessary in order to secure income tax indexing for the next year.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 363 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

COMMITTEE REPORTS

AGRICULTURE

Final Bill Action: SENATE CONCURRENT RESOLUTION 28, a concurrent resolution requesting the United States Congress to raise the permissible income

level for eligibility for federal Farmers Home Administration loans and to expand the residential mortgage program to include guarantees for qualifying mortgage loans originated by local lending institutions.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Priebe, Riordan, Soorholtz, Boswell, Coleman, Fraise, Fuhrman, Hedge, Hester, Husak, Miller, Palmer, Rensink, Scott and Vande Hoef. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

APPROPRIATIONS

Final Bill Action: HOUSE FILE 780, a bill for an act relating to substance abuse treatment and narcotics law enforcement and creating a new department of drug control, making certain appropriations, providing penalties, and providing an effective date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—4075.

Final Vote: Ayes, 18: Welsh, Boswell, Tieden, Bruner, Corning, Fraise, Gettings, Goodwin, Gronstal, Husak, Jensen, Lind, Lloyd-Jones, Pate, Running, Sturgeon, Tinsman and Varn. Nays, none. Absent or not voting, 3: Peterson, Rensink and Riordan.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

REPORT OF COMMITTEE MEETING

Convened: May 2, 1989, 1:30 p.m.

Members Present: Welsh, Chair; Boswell, Vice Chair; Tieden, Ranking Member; Corning, Fraise, Goodwin, Gronstal, Husak, Lind, Lloyd-Jones, Pate, Peterson, Rensink, Riordan, Running, Sturgeon, Tinsman and Varn.

Members Absent: Bruner, (excused), Gettings and Jensen.

Committee Business: Recommended passage of House File 772 as amended.

Recessed: 2:10 p.m.

Reconvened: May 2, 1989, 7:15 p.m.

Members Present: Welsh, Chair; Boswell, Vice Chair; Tieden, Ranking Member; Bruner, Corning, Fraise, Gettings, Goodwin, Gronstal, Husak, Jensen, Lind, Lloyd-Jones, Pate, Rensink, Running, Sturgeon, Tinsman and Varn.

Members Absent: Peterson and Riordan (both excused).

Committee Business: Recommended passage of House File 780 as amended.

Adjourned: 7:40 p.m.

SUBCOMMITTEE ASSIGNMENT

House File 777

WAYS AND MEANS: Syzmoniak, Chair; Riordan and Soorholtz

MOTIONS TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which House File 758 passed the Senate on May 3, 1989.

RICHARD VARN

MADAM PRESIDENT: I move to reconsider the vote by which amendment S—3906 to House File 758 was adopted by the Senate on May 3, 1989.

RICHARD VARN

MADAM PRESIDENT: I move to reconsider the vote by which House File 758 passed the Senate on May 3, 1989.

JIM LIND

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 14 passed the Senate on May 2, 1989.

BOB CARR

PRESENTATION OF VISITORS

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

Thirty fifth grade students from Adair-Casey Elementary School, Adair, Iowa, accompanied by Sig Wood. Senator Riordan.

AMENDMENTS FILED

S—4075	H.F.	780	Appropriations
S—4076	S.F.	541	House amendment

S—4077	S.F.	540	House amendment
S—4078	H.F.	178	House amendment
S—4079	H.F.	780	Dale Tieden
S—4080	S.F.	540	Calvin Hultman
S—4081	H.F.	355	Richard Running
			William Palmer
			Elaine Szymoniak
S—4082	H.F.	400	Richard Varn
			Joe Welsh
			Eugene Fraise
			Jim Riordan
			Jim Lind
			Jean Lloyd-Jones
			Dale L. Tieden
S—4083	H.F.	772	Calvin Hultman
			Linn Fuhrman
S—4084	H.F.	772	Donald Doyle
			Joe Welsh

AFTERNOON SESSION

The Senate reconvened at 2:03 p.m., Senator Sturgeon presiding.

QUORUM CALL

Senator Lloyd-Jones requested a non record roll call to determine that a quorum was present.

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

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Lloyd-Jones asked and received unanimous consent to take up for consideration House File 772.

House File 772

On motion of Senator Fraise, House File 772, a bill for an act relating to and making appropriations to the justice system, with report of committee recommending amendment and passage, was taken up for consideration.

(Action on House File 772 was 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 Lloyd-Jones requested a non record roll call to determine that a quorum was present.

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

BUSINESS PENDING

House File 772

The Senate resumed consideration of House File 772.

Senator Fraise offered amendment S—4069 filed by the committee on Appropriations on May 2, 1989, to pages 2, 3, 7, 8 and 12 through 15 of the bill.

Senator Sturgeon offered amendment S—4088 filed by him from the floor to page 1 of amendment S—4069 and moved its adoption.

Amendment S—4088 was adopted by a voice vote.

Senator Hultman offered amendment S—4083 filed by Senators Hultman and Fuhrman from the floor to page 4 of amendment S—4069, moved its adoption and requested a record roll call.

On the question "Shall amendment S—4083 to amendment S—4069 be adopted?" (H.F. 772) the vote was:

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

Ayes, 22:

Boswell	Coleman	Corning	Fuhrman
Goodwin	Hagerla	Hedge	Hester
Hultman	Jensen	Lind	Nystrom
Pate	Rensink	Rife	Running
Sturgeon	Taylor	Tieden	Tinsman
Vande Hoef	Welsh		

Nays, 26:

Bruner	Carr	Deluhery	Dieleman
Doyle	Fraise	Gentleman	Gettings
Gronstal	Hannon	Horn	Husak
Hutchins	Kibbie	Kinley	Lloyd-Jones
Mann	Miller	Murphy	Palmer
Peterson	Priebe	Riordan	Scott
Szymoniak	Varn		

Absent or not voting, 2:

Drake	Soorholtz
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Amendment S—4083 lost.

Senator Hultman offered amendment S—4089 filed by him from the floor to page 5 of amendment S—4069 and moved its adoption.

A non record roll call was requested.

The ayes were 22, nays 25.

Amendment S—4089 lost.

Senator Varn offered amendment S—4091 filed by him from the floor to pages 2 and 3 of amendment S—4069, moved its adoption and requested a non record roll call.

The ayes were 28, nays, 19.

Amendment S—4091 was adopted.

Senator Fraise moved the adoption of amendment S—4069 as amended, which motion prevailed by a voice vote.

Senator Welsh offered amendment S—4068 filed by him on May 2, 1989, to pages 1 and 2 of the bill and moved its adoption.

Amendment S—4068 was adopted by a voice vote.

Senator Doyle offered amendment S—4084 filed by Senators Doyle and Welsh from the floor to pages 6 and 7 of the bill and moved its adoption.

Amendment S—4084 was adopted by a voice vote.

Senator Taylor offered amendment S—3923 filed by him on April 26, 1989, to page 7 of the bill and moved its adoption.

Amendment S—3923 lost by a voice vote.

Senator Fraise 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. 772) the vote was:

Ayes, 44:

- | | | | |
|-------------|----------|-----------|----------|
| Boswell | Bruner | Carr | Coleman |
| Corning | Deluhery | Dieleman | Doyle |
| Drake | Fraise | Gentleman | Gettings |
| Goodwin | Gronstal | Hannon | Hedge |
| Hester | Horn | Hultman | Husak |
| Hutchins | Jensen | Kibbie | Kinley |
| Lloyd-Jones | Miller | Murphy | Nystrom |

Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Running
Scott	Sturgeon	Szymoniak	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, 3:

Fuhrman	Hagerla	Lind
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Voting present, 1:

Taylor

Absent or not voting, 2:

Mann	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 772** 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 3, 1989, **insisted on** its amendment to **Senate File 141**, a bill for an act relating to statutory corrections which adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, and remove ambiguities, and the members of the **conference committee**, on the part of the House, are: The Representative from Appanoose, Mr. Jay, Chair; the Representative from Dallas, Mr. McKinney, the Representative from Polk, Mr. Sherzan, the Representative from Clayton, Mr. Halvorson, and the Representative from Pottawattamie, Mr. Siegrist.

ALSO: That the House has on May 3, 1989, **refused to concur** in the Senate amendment to the following bill in which the concurrence of the House was asked:

House File 778, a bill for an act relating to and making appropriations to the department of agriculture and land stewardship, to the department of natural resources, to an environmental fund, providing for environmental protection, and the control of certain vegetation, and providing effective dates.

BILLS ASSIGNED TO COMMITTEE

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

H.F.	782	Judiciary
H.F.	790	State Government

SENATE INSISTS

House File 778

Senator Riordan called up for consideration House File 778, a bill for an act relating to and making appropriations to the department of agriculture and land stewardship, to the department of natural resources, to an environmental fund, providing for environmental protection, and the control of certain vegetation, 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 778** on the part of the Senate: Senators Riordan, Chair; Husak, Scott, Rife and Hester.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House File 780.

House File 780

On motion of Senator Welsh, House File 780, a bill for an act relating to substance abuse treatment and narcotics law enforcement and creating a new department of drug control, making certain appropriations, providing penalties, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Welsh offered amendment S—4075 filed by the committee on Appropriations from the floor to pages 1 through 6, 8, 9, 15, 29 and the title page of the bill and moved its adoption.

Amendment S—4075 was adopted by a voice vote.

Senator Tieden offered amendment S—4079 filed by him from the floor to pages 8, 9 and the title page of the bill and moved its adoption.

Amendment S—4079 was adopted by a voice vote.

Senator Mann offered amendment S—4087 filed by him from the floor to pages 9 through 13 of the bill and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—4087 be adopted?” (H.F. 780) the vote was:

Ayes, 13:

Bruner	Corning	Doyle	Gentleman
Hannon	Horn	Lloyd-Jones	Mann
Murphy	Palmer	Peterson	Szymoniak
Tinsman			

Nays, 36:

Boswell	Carr	Coleman	Deluhery
Dieleman	Drake	Fraise	Fuhrman
Gettings	Goodwin	Gronstal	Hagerla
Hedge	Hester	Hultman	Husak
Hutchins	Jensen	Kibbie	Kinley
Lind	Miller	Nystrom	Pate
Priebe	Rensink	Rife	Riordan
Running	Scott	Sturgeon	Taylor
Tieden	Vande Hoef	Varn	Welsh

Absent or not voting, 1:

Soorholtz

Amendment S—4087 lost.

Senator Mann offered amendment S—4086 filed by him from the floor to page 13 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—4086 be adopted?" (H.F. 780) the vote was:

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

Ayes, 49:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Hultman	Husak	Hutchins	Jensen
Kibbie	Kinley	Lind	Lloyd-Jones
Mann	Miller	Murphy	Nystrom
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Running
Scott	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Soorholtz

Amendment S—4086 was adopted.

Senator Doyle withdrew amendment S—4028 filed by him on May 1, 1989, to page 15 of the bill.

Senator Doyle offered amendment S—4067 filed by him on May 2, 1989, to page 15 of the bill.

Senator Mann raised the point of order that amendment S—4067 was not germane to the bill.

The Chair ruled the point well taken and amendment S—4067 out of order.

Senator Welsh offered amendment S—4095 filed by him from the floor to page 6 of the bill and moved its adoption.

Amendment S—4095 was adopted by a voice vote.

Senator Hutchins asked and received unanimous consent that action on **House File 780** be deferred.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **House File 778** be **immediately messaged** to the House.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 141** on the part of the Senate: Senators Doyle, Chair; Mann, Kibbie, Gentleman and Fuhrman.

INTRODUCTION OF BILL

Senate File 543, by Hutchins and Hultman, a bill for an act relating to motor vehicle registrations and certificates of title and providing penalties and effective dates.

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

HOUSE AMENDMENT CONSIDERED

Senate File 541

Senator Bruner called up for consideration Senate File 541, a bill for an act relating to human services and making appropriations to the department of human services, other properly related matters, providing for retroactive applicability, and providing an effective date, amended by the House in House amendment S—4076 filed May 3, 1989.

Senator Bruner offered amendment S—4090 filed by him from the floor to House amendment S—4076 and moved its adoption.

Amendment S—4090 was adopted by a voice vote.

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

Senator Bruner 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. 541) the vote was:

Ayes, 49:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Hultman	Husak	Hutchins	Jensen
Kibbie	Kinley	Lind	Lloyd-Jones
Mann	Miller	Murphy	Nystrom
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Running
Scott	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

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 Files 541 and 141** be **immediately messaged** to the House.

BUSINESS PENDING

House File 780

The Senate resumed consideration of House File 780, a bill for an act relating to substance abuse treatment and narcotics law enforcement and creating a new department of drug control, making certain appropriations, providing penalties, and providing an effective date, previously deferred.

Senator Gronstal offered amendment S—4096 filed by him from the floor to page 7 of the bill, moved its adoption and requested a record roll call.

On the question “Shall amendment S—4096 be adopted?” (H.F. 780) the vote was:

Ayes, 47:

Boswell	Bruner	Carr	Corning
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Hultman
Husak	Hutchins	Jensen	Kibbie
Kinley	Lind	Lloyd-Jones	Miller
Murphy	Nystrom	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Running	Scott	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Coleman	Mann	Soorholtz
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Amendment S—4096 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. 780) the vote was:

Ayes, 47:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kibbie
Kinley	Lind	Lloyd-Jones	Miller
Murphy	Nystrom	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Running	Scott	Sturgeon

Szymoniak
Vande Hoef

Taylor
Varn

Tieden
Welsh

Tinsman

Nays, none.

Absent or not voting, 3:

Hultman

Mann

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 asked and received unanimous consent that **House File 780** be **immediately messaged** to the House.

BILL ASSIGNED TO COMMITTEE

President Zimmerman announced that **Senate File 543** was assigned to the committee on **Ways and Means**.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Hutchins asked and received unanimous consent to take up out of order Senate File 536.

Senate File 536

On motion of Senator Welsh, Senate File 536, a bill for an act relating to the compensation and benefits for public officials by specifying salary rates and ranges and related matters generally relating to the compensation of public officials and employees and providing an effective date, was taken up for consideration.

Senator Dieleman offered amendment S—4097 filed by him from the floor to pages 4 through 6 of the bill.

President pro tempore Mann took the chair at 6:22 p.m.

Senator Dieleman moved the adoption of amendment S—4097, which motion prevailed by a voice vote.

Senator Carr offered amendment S—4085 filed by him from the floor to page 4 of the bill and moved its adoption.

Amendment S—4085 was adopted by a voice vote.

Senator Welsh offered amendment S—4098 filed by him from the floor to pages 5 through 7 of the bill and moved its adoption.

Amendment S—4098 was adopted by a voice vote.

Senator Jensen 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—4097 to Senate File 536 was adopted by the Senate on May 3, 1989.

The motion prevailed by a voice vote and amendment S—4097 by Senator Dieleman to pages 4 through 6 of the bill, was taken up for reconsideration.

Senator Dieleman moved the adoption of amendment S—4097 and requested a non record roll call.

The ayes were 13, nays 27.

Amendment S—4097 lost.

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. 536) the vote was:

Ayes, 39:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Doyle	Drake
Fraise	Gentleman	Gettings	Goodwin
Gronstal	Hagerla	Hedge	Hester
Horn	Hultman	Husak	Hutchins
Jensen	Kibbie	Kinley	Lloyd-Jones
Mann	Miller	Murphy	Nystrom
Palmer	Peterson	Priebe	Rensink
Rife	Riordan	Sturgeon	Szymoniak
Taylor	Tinsman	Varn	

Nays, 9:

Dieleman	Fuhrman	Hannon	Lind
Pate	Running	Scott	Tieden
Vande Hoef			

Absent or not voting, 2:

Soorholtz

Welsh

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 540

Senator Bruner called up for consideration Senate File 540, a bill for an act relating to human services statutes providing for or regarding substance abuse commitment of juveniles, psychiatric medical institutions for children, the council on human services, mentally ill juveniles, child abuse, payment for a child's expenses, the costs of a child's care in a state juvenile institution, child support recovery, and certain administrative rules, properly related matters, providing for effective dates, and providing penalties, amended by the House in House amendment S—4077 filed May 3, 1989.

Senator Bruner offered amendment S—4093 filed by him from the floor to House amendment S—4077 and moved its adoption.

Amendment S—4093 was adopted by a voice vote.

Senator Welsh offered amendment S—4094 filed by Senators Welsh and Tieden from the floor to House amendment S—4077 and moved its adoption.

A non record roll call was requested.

The ayes were 32, nays 8.

Amendment S—4094 was adopted.

Senator Hultman offered amendment S—4080 filed by him from the floor to House amendment S—4077 and moved its adoption.

Amendment S—4080 was adopted by a voice vote.

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

Senator Bruner 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. 540) the vote was:

Ayes, 48:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Hultman	Husak	Hutchins	Jensen
Kibbie	Kinley	Lind	Lloyd-Jones
Mann	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Running	Scott
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Nystrom Soorholtz

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 Files 540 and 536 be **immediately messaged** to the House.

APPENDIX

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: HOUSE FILE 703, a bill for an act relating to the financing for the rural community 2000 program and authorizing the issuance of bonds and notes by the Iowa finance authority for the program.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—4099.

Final Vote: Ayes, 11: Welsh, Boswell, Bruner, Fraise, Gettings, Gronstal, Husak, Riordan, Running, Sturgeon, and Varn. Nays, 5: Goodwin, Jensen, Lind, Rensink and Tieden. Absent or not voting, 5: Corning, Lloyd-Jones, Pate, Peterson and Tinsman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

SUBCOMMITTEE ASSIGNMENTS

House Concurrent Resolution 13

APPROPRIATIONS: Welsh, Chair and Tieden

House File 754

WAYS AND MEANS: Dieleman, Chair; Bruner and Fuhrman

House File 766

APPROPRIATIONS: Welsh, Chair and Tieden

House File 781

APPROPRIATIONS: Welsh, Chair and Tieden

House File 787

WAYS AND MEANS: Husak, Chair; Fraise and Soorholtz

House File 789

APPROPRIATIONS: Welsh, Chair and Tieden

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON CLAIMS

Convened: May 3, 1989, 8:12 a.m.

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

Members Absent: none.

Committee Business: Reviewed claims submitted against the state of Iowa.

Adjourned: 9:00 a.m.

NATURAL RESOURCES

Convened: May 3, 1989, 11:45 a.m.

Members Present: Scott, Chair; Kibbie, Vice Chair; Goodwin, Ranking Member; Doyle, Hedge, Hester, Peterson, Priebe, Rensink and Tieden.

Members Absent: Husak and Mann (excused).

Committee Business: Hearing conducted to discuss landfills.

Adjourned: 12:30 p.m.

PETITION

The following petition was presented and placed on file by:

Senator Husak from ten residents of Benton and Iowa Counties opposing legislation increasing any tax on beer, wine or soft drinks.

AMENDMENTS FILED

S—4085	S.F.	536	Bob Carr
S—4086	H.F.	780	Tom Mann, Jr.
S—4087	H.F.	780	Tom Mann, Jr.
S—4088	H.F.	772	Al Sturgeon
S—4089	H.F.	772	Calvin Hultman
S—4090	S.F.	541	Charles Bruner
S—4091	H.F.	772	Richard Varn
S—4092	S.F.	470	Alvin Miller

S—4093	S.F.	540	Charles Bruner
S—4094	S.F.	540	Joe Welsh
			Dale Tieden
S—4095	H.F.	780	Joe Welsh
S—4096	H.F.	780	Michael Gronstal
S—4097	S.F.	536	William Dieleman
S—4098	S.F.	536	Joe Welsh
S—4099	H.F.	703	Appropriations

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 6:56 p.m., until 9:00 a.m., Thursday, May 4, 1989.

JOURNAL OF THE SENATE

ONE HUNDRED SIXTEENTH CALENDAR DAY
SEVENTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, May 4, 1989

The Senate met in regular session at 9:05 a.m., President Zimmerman presiding.

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

The Journal of Wednesday, May 3, 1989, was approved.

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.

BILLS REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent to refer the following bills on the Unfinished Business Calendar to committee:

S.F.	292	Judiciary
S.F.	409	State Government
S.F.	400	Transportation
S.F.	431	Environment and Energy Utilities
S.F.	342	Judiciary
S.F.	392	Business and Labor Relations
S.F.	454	Business and Labor Relations

MOTIONS TO RECONSIDER WITHDRAWN

Senate File 194

Senators Drake and Gronstal withdrew the motions to reconsider Senate File 194, a bill for an act exempting corporations from state corporate income tax when their sole business activity in the state is placing liquor in bailment, filed by them on February 22, 1989, and found on page 494 of the Senate Journal.

Senate File 277

Senator Corning withdrew the motion to reconsider Senate File 277, a bill for an act relating to the establishment of resident councils, filed by her on March 17, 1989, and found on page 859 of the Senate Journal.

ADOPTION OF RESOLUTION (Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 28.

Senate Concurrent Resolution 28

On motion of Senator Vande Hoef, Senate Concurrent Resolution 28, a concurrent resolution requesting the United States Congress to raise the permissible income level for eligibility for federal Farmers Home Administration loans and to expand the residential mortgage program to include guarantees for qualifying mortgage loans originated by local lending institutions, with report of committee recommending passage, was taken up for consideration.

Senator Vande Hoef moved the adoption of Senate Concurrent Resolution 28, which motion prevailed by a voice vote.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 178

Senator Carr called up for consideration House File 178, a bill for an act relating to the department of inspections and appeals and its licensing, rulemaking, and enforcement authority with

respect to health and human resources matters, and providing properly related matters, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—4078 to Senate amendment H—4174 filed May 3, 1989.

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

UNFINISHED BUSINESS (Deferred May 3, 1989)

House File 751

The Senate resumed consideration of House File 751, a bill for an act relating to the remittance of the local option tax to local governments, deferred May 3, 1989.

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?” (H.F. 751) the vote was:

Ayes, 49:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Hultman	Husak	Hutchins	Jensen
Kibbie	Kinley	Lind	Lloyd-Jones
Mann	Miller	Nystrom	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Running	Scott
Soorholtz	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Murphy

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 Varn called up the motion to reconsider House File 758 filed by him on May 3, 1989, found on page 1878 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 758) the vote was:

Ayes, 29:

Bruner	Carr	Coleman	Corning
Deluhery	Doyle	Fuhrman	Gentleman
Gronstal	Hagerla	Hannon	Hedge
Horn	Kinley	Lind	Lloyd-Jones
Mann	Miller	Pate	Peterson
Priebe	Riordan	Running	Soorholtz
Sturgeon	Szymoniak	Tinsman	Varn
Welsh			

Nays, 18:

Boswell	Dieleman	Drake	Fraise
Gettings	Goodwin	Hester	Hultman
Husak	Hutchins	Jensen	Kibbie
Palmer	Rensink	Scott	Taylor
Tieden	Vande Hoef		

Absent or not voting, 3:

Murphy	Nystrom	Rife
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The motion prevailed.

Senator Varn moved to reconsider the vote by which House File 758 went to its last reading, which motion prevailed by a voice vote.

The motion to reconsider House File 758 filed by Senator Lind on May 3, 1989, and found on page 1878 of the Senate Journal was out of order.

House File 758

On motion of Senator Fraise, House File 758, a bill for an act permitting forfeiture of the penal bond when a class "E" liquor licensee violates the bootlegging law; permitting claims against penal bonds for failure or refusal to pay an alcoholic beverage control tax when due, establishing an administrative appeals process for disputed tax assessments, permitting the administrator to compromise disputed tax assessments, and permitting imposition of civil penalties on wholesalers for violations of law and administrative rules; and relating to coupons or rebates as incentives to purchase wine, was taken up for reconsideration.

Senator Varn called up the motion to reconsider the vote by which amendment S—3906 to House File 758 was adopted by the Senate on May 3, 1989, filed by him on May 3, 1989, found on page 1878 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and amendment S—3906 by the committee on Ways and Means to page 2 and the title page of the bill, was taken up for reconsideration.

Senator Hutchins asked and received unanimous consent that action on amendment S—3906 and **House File 758** be deferred.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate Concurrent Resolution 28** and **House Files 178 and 751** be immediately messaged to the House.

MOTION TO RECONSIDER WITHDRAWN

Senate File 14

Senator Horn withdrew the motion to reconsider Senate File 14, a bill for an act relating to manicuring, providing for the licensing of manicurists, and providing properly related matters, filed by him on May 2, 1989, and found on page 1826 of the Senate Journal.

MOTION TO RECONSIDER ADOPTED

Senator Carr called up the motion to reconsider Senate File 14 filed by him on May 3, 1989, found on page 1878 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 14) the vote was:

Ayes, 29:

Bruner	Carr	Coleman	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Hagerla	Hannon	Horn
Husak	Hutchins	Kibbie	Kinley
Lloyd-Jones	Mann	Miller	Murphy
Nystrom	Pate	Priebe	Riordan
Running	Scott	Szymoniak	Varn
Welsh			

Nays, 21:

Boswell	Corning	Drake	Fuhrman
Gentleman	Goodwin	Hedge	Hester
Hultman	Jensen	Lind	Palmer
Peterson	Rensink	Rife	Soorholtz
Sturgeon	Taylor	Tieden	Tinsman
Vande Hoef			

The motion prevailed.

Senator Carr moved to reconsider the vote by which Senate File 14 went to its last reading, which motion prevailed by a voice vote.

Senate File 14

On motion of Senator Carr, Senate File 14, a bill for an act relating to manicuring, providing for the licensing of manicurists, and providing properly related matters, was taken up for reconsideration.

Senator Carr 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—3706 to Senate File 14 on May 2, 1989.

The motion prevailed by a voice vote and House amendment S—3706 was taken up for reconsideration.

Senator Running offered amendment S—4103 filed by Senators Running and Carr from the floor to House amendment S—3706.

Senator Gentleman called for a division of amendment S—4103: page 1, lines 4 through 50 and page 2, lines 1 through 14 as division S—4103A; page 2, lines 15 through 17 as division S—4103B.

Senator Running moved adoption of division S—4103A to House amendment S—3706, which motion prevailed by a voice vote.

Senator Running moved adoption of division S—4103B to House amendment S—3706.

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 27, nays 21.

Division S—4103B was adopted.

Senator Sturgeon moved that the Senate concur in the House amendment as amended.

A non record roll call was requested.

The ayes were 16, nays 34.

The motion lost and the Senate **refused to concur** in the House amendment as amended.

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 2, 1989, receded from the House amendment to, and passed the following bill in which the concurrence of the House was asked:

Senate File 185, a bill for an act relating to the hotel and motel tax and providing an exemption.

ALSO: That the House has on May 3, 1989, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 537, a bill for an act relating to the standard deduction for state individual income tax purposes, limiting the deduction for net capital gain to the transfer of certain capital assets, providing an earned income tax credit, and providing retroactive applicability and effective dates (S—4106).

Senate File 538, a bill for an act relating to medical and health care, including matters relating to the maternal and child health program; the expansion of medical assistance eligibility for certain persons; physicians' charges for services to beneficiaries of health insurance under Title XVIII of the federal Social Security Act and providing for the collection and analysis of information; health care access; the requirement of the department of human services to collect certain data relating to usage of health maintenance organization services by recipients of medical assistance; the state individual income tax by requiring an evaluation of the medical and health insurance deduction; rural health systems delivery and rural occupational health; requiring the department of human services to adopt rules to conduct studies regarding health care providers which are reimbursed under the medical assistance program; establishing a health care cost containment task force; making appropriations to certain state agencies; and providing for other properly related matters (S—4108).

ALSO: That the House has on May 3, 1989, passed the following bill in which the concurrence of the Senate is asked:

House File 785, a bill for an act relating to and making supplemental appropriations to agencies from the Iowa plan fund and providing an effective date.

This bill was read first time and assigned to the committee on **Appropriations**.

ALSO: That the members of the **conference committee**, appointed May 4, 1989, on **House File 778**, a bill for an act relating to and making appropriations to the department of agriculture and land stewardship, to the department of natural resources, to an environmental fund, providing for environmental protection, and the control of certain vegetation, and providing effective dates, on the part of

the House, are: The Representative from Winneshiek, Mr. Johnson, Chair; the Representative from Black Hawk, Mr. Diemer, the Representative from Jasper, Mr. Black, the Representative from Marion, Mr. Schrader, and the Representative from Clinton, Mr. Stueland.

INTRODUCTION OF BILL

Senate File 544, by Hutchins, a bill for an act relating to the provision of child day care to children of state employees and providing effective dates.

Read first time and assigned to the committee on **State Government**.

HOUSE AMENDMENT CONSIDERED

Senate File 470

Senator Miller called up for consideration Senate File 470, a bill for an act relating to waste minimization and disposal, amended by the House in House amendment S—4062 filed May 2, 1989.

Senator Deluhery offered amendment S—4107 filed by Senators Deluhery and Tinsman from the floor to House amendment S—4062.

Senator Vande Hoef raised the point of order that amendment S—4107 to House amendment S—4062 was not germane.

The Chair ruled the point well taken and amendment S—4107 out of order.

Senator Deluhery offered amendment S—4101 filed by Senators Deluhery and Miller from the floor to House amendment S—4062 and moved its adoption.

Amendment S—4101 was adopted by a voice vote.

Senator Miller offered amendment S—4092 filed by him on May 3, 1989, to House amendment S—4062.

Senator Coleman took the chair at 11:19 a.m.

Senator Miller moved the adoption of amendment S—4092 to House amendment S—4062, which motion prevailed by a voice vote.

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

Senator Miller 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. 470) the vote was:

Ayes, 50:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Hultman	Husak	Hutchins	Jensen
Kibbie	Kinley	Lind	Lloyd-Jones
Mann	Miller	Murphy	Nystrom
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Running
Scott	Soorholtz	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

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 Files 14 and 470** be **immediately messaged** to the House.

RECESS

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

APPENDIX

GOVERNOR'S ITEM VETO MESSAGE

May 3, 1989

The Honorable Jo Ann Zimmerman
President of the Senate
State Capitol Building
L O C A L

Dear Madam President:

I hereby transmit Senate File 520, an act relating to and making appropriations to the Department of Economic Development.

Senate File 520 is, hereby, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 1, subsection 2, unnumbered paragraph 2. This provision in Senate File 520 would prevent any of the funds appropriated in subsection 2 for tourism promotion from being used for tourism advertising. However, the legislature included \$215,000 in this particular line item for that very purpose. In order to meet our commitment to provide a total of \$3 million for tourism marketing in the coming fiscal year, the \$215,000 included in subsection 2 will be needed. To allow that to occur and to correct this oversight, I must eliminate that language included in Section 1.

I am unable to approve the designated portion of Section 1, subsection 8, unnumbered paragraph 2. This provision in Senate File 520 stipulates that any official trade mission led by the governor must include representatives of the executive council. Frankly, as a matter of course, we have invited the secretary of agriculture to participate in trade missions when agricultural products are being promoted. The purpose of trade missions have not been and should not be made political; instead, the purpose should be to further the sale of Iowa-made products and to encourage reverse investment into our state. We have been most successful at the efforts we have made to date in that regard and we plan to continue those efforts.

The funds the General Assembly have provided to the Department of Economic Development will greatly assist Iowa in its export activities. Should a trade mission require the participation from a member of the executive council in an area of their particular interest and expertise, the general assembly can be assured that the member will be invited. To require their participation regardless of their expertise or interest would simply be a waste of the taxpayers' funds.

I am unable to approve the designated portion of Section 1, subsection 18, unnumbered paragraph 2 and the item designated as Section 1, subsection 21, unnumbered paragraph 3. These provisions in Senate File 520 prevent any unspent funds appropriated to the displaced homemakers and dislocated workers programs

from reverting to the state's general fund. Apparently, this anti-reversion language was inadvertently left in the legislation from my original budget bill draft. However, the final legislative action significantly increased the funding available for both of these programs, as compared to my original draft, thus making it unnecessary to include language allowing a carryover of the funds. If additional funds are needed to be provided in future fiscal years, the legislature can provide those appropriations at that time.

Senate File 520 is generally a good bill that supports our efforts to diversify the economy and to market and promote Iowa. I applaud the legislature for taking this responsible action to further the state's economic development efforts.

For the above reasons, I hereby respectfully disapprove this item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 520 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on May 3, 1989, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 117 — Relating to medical assistance requirements and providing for eligibility of certain recipients of federal medicare.

SENATE FILE 201 — Expanding the definition of sex act and making more acts subject to penalties.

SENATE FILE 318 — Relating to the state soil conservation committee, by providing for the composition of the committee and its powers and duties.

SENATE FILE 365 — Relating to the filing of campaign finance disclosure reports by city and school elective offices and for local ballot issues.

SENATE FILE 389 — Relating to farm crisis relief, by extending the date of repeal of certain 1986 provisions, expanding participation in farm mediation, requiring borrowers to file a list of creditors, providing for review of farm mediation service decisions, expanding the confidentiality of mediation information, providing for mediation fees, and providing limitations on liability and immunity from certain judicial actions.

SENATE FILE 395 — Adding certain controlled substances to schedule I, schedule IV, and schedule V controlled substances.

SENATE FILE 406 — Relating to retention of a court reporter by a newly appointed judge.

SENATE FILE 412 — Relating to the medical assistance subrogation rights of the department of human services.

SENATE FILE 416 — Relating to the identification of persons engaged in private investigation and private security businesses.

SENATE FILE 475 — a bill for an act relating to Article 8 of the Uniform Commercial Code, by including both certificated and uncertificated securities within the scope of Article 8, and by making conforming amendments to Articles 1, 5, and 9.

SENATE FILE 498 — Relating to the appointment, terms, retention, and qualifications of magistrates, district associate judges and providing an effective date.

SENATE FILE 534 — Relating to the adoption of rules by the department of inspections and appeals for intermediate care facilities for the mentally retarded and providing an effective date.

CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 141)

A conference committee report signed by the following Senate and House members was filed May 4, 1989, on Senate File 141, a bill for an act relating to statutory corrections which adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, and remove ambiguities:

On the Part of the Senate:

DONALD V. DOYLE, Chair
TOM MANN, JR.
JOHN P. KIBBIE
JULIA GENTLEMAN
LINN FUHRMAN

On the Part of the House:

DANIEL J. JAY, Chair
WAYNE McKINNEY
GARY SHERZAN
ROGER HALVORSON
BRENT SIEGRIST

SUBCOMMITTEE ASSIGNMENT

Senate File 543

WAYS AND MEANS: Drake, Chair; Dieleman and Hultman

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: May 3, 1989, 7:00 p.m.

Members Present: Welsh, Chair; Boswell, Vice Chair; Tieden, Ranking Member; Bruner, Corning, Fraise, Gettings, Goodwin, Gronstal, Husak, Jensen, Lind, Lloyd-Jones, Pate, Peterson, Rensink, Riordan, Running, Sturgeon, Tinsman and Varn.

Members Absent: none.

Committee Business: Recommended passage of House File 703 as amended.

Adjourned: 7:10 p.m.

PRESENTATION OF VISITORS

The following visitors were present in the Senate gallery:

Nine Soviet exchange students from Grinnell College, Grinnell, Iowa, accompanied by Karen Daugherty. Senators Peterson and Lloyd-Jones.

Ninety fifth grade students from Orange City Elementary School, Orange City, Iowa, accompanied by Paul Koets, Phil Bach and Bonnie Lubach. Senator Rensink.

COMMITTEE REPORTS

WAYS AND MEANS

Final Bill Action: SENATE FILE 543, a bill for an act relating to motor vehicle registrations and certificates of title and providing penalties and effective dates.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Dieleman, Husak, Bruner, Drake, Fraise, Fuhrman, Gentleman, Hultman, Kibbie, Murphy, Palmer, Soorholtz and Szymoniak. Nays, none. Absent or not voting, 2: Hester and Riordan.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 578, a bill for an act excluding from income for purposes of state and local government benefit or entitlement programs and the state individual income tax proceeds received for damages resulting from exposure to certain herbicides and providing a retroactive applicability date.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Dieleman, Husak, Bruner, Drake, Fraise, Fuhrman, Gentleman, Hultman, Kibbie, Murphy, Palmer, Soorholtz and Szymoniak. Nays, none. Absent or not voting, 2: Hester and Riordan.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 765, a bill for an act exempting certain deeds transferring real estate from declarations of value and the tax on transfers.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Dieleman, Husak, Bruner, Drake, Fraise, Fuhrman, Gentleman, Hultman, Kibbie, Murphy, Palmer, Soorholtz and Szymoniak. Nays, none. Absent or not voting, 2: Hester and Riordan.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 771, a bill for an act relating to eligibility for reimbursement for rent constituting property tax paid and providing for a retroactive applicability date.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Dieleman, Husak, Bruner, Drake, Fraise, Fuhrman, Gentleman, Hultman, Kibbie, Murphy, Palmer, Soorholtz and Szymoniak. Nays, none. Absent or not voting, 2: Hester and Riordan.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 776, a bill for an act relating to the operation and dissolution of a benefited fire district including a city, and authorizing the levy of a property tax.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Dieleman, Husak, Bruner, Drake, Fraise, Fuhrman, Gentleman, Hultman, Kibbie, Murphy, Palmer, Soorholtz and Szymoniak. Nays, none. Absent or not voting, 2: Hester and Riordan.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 777, a bill for an act relating to the length of occupancy of the homestead for purposes of the homestead credit and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Dieleman, Husak, Bruner, Drake, Fraise, Fuhrman, Gentleman, Hultman, Kibbie, Murphy, Palmer, Soorholtz and Szymoniak. Nays, none. Absent or not voting, 2: Hester and Riordan.

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 4th day of May, 1989:

Senate Files 46, 71, 167, 213, 266, 369, 371, 386, 426 and 525.

JOHN F. DWYER
Secretary of the Senate

AMENDMENTS FILED

S—4100	S.F.	5	Ray Taylor
S—4101	S.F.	470	Patrick Deluhery
			Alvin Miller
S—4102	H.F.	753	Richard Varn
			William Palmer
			Michael Gronstal
			Patrick Deluhery
S—4103	S.F.	14	Richard Running
			Bob Carr

S—4104	H.F.	451	Bob Carr Jack Nystrom
S—4105	H.F.	758	Joe Welsh Richard Running Bob Carr Jim Lind Jack Nystrom Wally Horn Richard Varn Michael Gronstal
S—4106	S.F.	537	House amendment
S—4107	S.F.	470	Patrick Deluhery Maggie Tinsman
S—4108	S.F.	538	House amendment
S—4109	S.F.	537	Calvin Hultman
S—4110	H.F.	753	Jack Rife
S—4111	H.F.	753	Joe Welsh William Palmer Berl Priebe Richard Drake Joy Corning Ken Scott John Soorholtz Alvin Miller Wally Horn Richard Running Don Gettings Calvin Hultman Maggie Tinsman John Kibbie Linn Fuhrman John Jensen Leonard Boswell Bob Carr

AFTERNOON SESSION

The Senate reconvened at 1:32 p.m., Senator Running presiding.

QUORUM CALL

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

President Zimmerman took the chair at 1:46 p.m.

A record roll call was requested.

Present, 47:

Boswell	Bruner	Coleman	Corning
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Hultman
Husak	Hutchins	Kibbie	Lind
Lloyd-Jones	Mann	Miller	Murphy
Nystrom	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Running	Scott	Soorholtz	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Absent, 3:

Carr	Jensen	Kinley
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The vote revealed 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 4, 1989, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 539, a bill for an act relating to the taxation of certain pensions, annuities, and retirement allowances received for purposes of the state individual income tax and providing a retroactive applicability date (S—4116).

ALSO: That the House has on May 4, 1989, **refused to concur** in the Senate amendment to the following bill in which the concurrence of the House was asked:

House File 780, a bill for an act relating to substance abuse treatment and narcotics law enforcement and creating a new department of drug control, making certain appropriations, providing penalties, and providing an effective date.

ALSO: That the House has on May 4, 1989, passed the following bills in which the concurrence of the Senate is asked:

House File 784, a bill for an act relating to motor vehicle registrations and certificates of title and providing penalties and effective dates.

This bill was read first time and assigned to the committee on **Transportation**.

House File 791, a bill for an act relating to the decertification of a magistrate prior to commencement of the magistrates term and providing an effective date.

This bill was read first time and assigned to the committee on **Judiciary**.

House File 792, a bill for an act relating to transportation of hazardous materials and providing an effective date.

This bill was read first time and assigned to the committee on **Transportation**.

House File 794, a bill for an act establishing an autonomous board to perform the duties of the present board of educational examiners and professional practices commission.

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

MOTION TO RECONSIDER WITHDRAWN

Senate File 413

Senator Lind withdrew the motion to reconsider Senate File 413, a bill for an act relating to the registration of rental motor vehicles, filed by him on March 21, 1989, and found on page 935 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate File 413** be **immediately messaged** to the House.

SENATE INSISTS

House File 728

Senator Murphy called up for consideration House File 728, a bill for an act relating to official publications by amending rates for county publication of board proceedings, by reducing the specific information required in county care facility inventory publications, by permitting division of the delinquent tax list for publication, by establishing a minimum type size, by reducing publication fees when publication is not timely made, and by eliminating the requirement for publication of notice of textbook purchase, 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 728** on the part of the Senate: Senators Miller, Chair; Murphy, Priebe, Vande Hoef and Hagerla.

Senator Hutchins asked and received unanimous consent that **House File 728** be **immediately messaged** to the House.

UNFINISHED BUSINESS
(Deferred April 14, 1989)

House File 549

The Senate resumed consideration of House File 549, a bill for an act relating to the agricultural product advisory council, deferred April 14, 1989.

Senator Hagerla offered amendment S—3493 filed by the committee on Small Business and Economic Development on March 30, 1989, to pages 1 and 2 of the bill and moved its adoption.

Amendment S—3493 was adopted by a voice vote.

Senator Hagerla 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. 549) the vote was:

Ayes, 46:

Boswell	Bruner	Coleman	Corning
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gentleman	Goodwin
Gronstal	Hagerla	Hannon	Hedge
Hester	Horn	Hultman	Husak
Hutchins	Kibbie	Kinley	Lind
Lloyd-Jones	Mann	Miller	Murphy
Nystrom	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Running	Scott	Soorholtz	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn		

Nays, none.

Absent or not voting, 4:

Carr	Gettings	Jensen	Welsh
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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 549** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 538

Senator Bruner called up for consideration Senate File 538, a bill for an act relating to medical and health care, including matters relating to the maternal and child health program; the expansion of medical assistance eligibility for certain persons; physicians' charges for services to beneficiaries of health insurance under Title XVIII of the federal Social Security Act and providing for the collection and analysis of information; health care access; the requirement of the department of human services to collect certain data relating to usage of health maintenance organization services by recipients of medical assistance; the state individual income tax by requiring an evaluation of the medical and health insurance deduction; rural health systems delivery and rural occupational health; requiring the department of human services to adopt rules to conduct studies regarding health care providers which are reimbursed under the medical assistance program; establishing a health care cost containment task force; making appropriations to certain state agencies; and providing for other properly related matters, amended by the House, and moved that the Senate concur in House amendment S—4108 filed May 4, 1989.

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

Senator Hutchins asked and received unanimous consent that **Senate File 538** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Hutchins asked and received unanimous consent to take up out of order House File 753.

House File 753

On motion of Senator Deluhery, House File 753, a bill for an act relating to the establishment of a waste volume reduction and recycling network, prohibiting the disposal of certain products at sanitary landfills, promoting the use of certain recyclable products and certain recycling or reprocessing equipment,

prohibiting the use of certain other products, requiring city or county solid waste management programs and plans, establishing fees and taxes, providing for appropriation and expenditure of the fee receipts and certain other moneys, providing penalties, providing an effective date, and providing for other properly related matters, with report of committees on Ways and Means and Environment and Energy Utilities recommending amendment and passage, was taken up for consideration.

Senator Deluhery offered amendment S—3995 filed by the committee on Environment and Energy Utilities on April 28, 1989, to pages 1, 4, 6 through 9, 11, 15 through 19, 21 through 23 and 28 through 30 of the bill.

Senator Gronstal offered amendment S—4054 filed by Senators Gronstal, et al., on May 2, 1989, to amendment S—3995 and moved its adoption.

Amendment S—4054 was adopted by a voice vote.

Senator Peterson asked and received unanimous consent that action on amendment S—3995 as amended be temporarily deferred.

Senator Dieleman asked and received unanimous consent that action on amendment S—3909 filed by the committee on Ways and Means on April 25, 1989, to page 11 of the bill be deferred.

Senator Gronstal offered amendment S—3994 filed by Senators Gronstal and Deluhery on April 28, 1989, to page 4 of the bill and moved its adoption.

Amendment S—3994 was adopted by a voice vote.

Senator Hultman asked and received unanimous consent that action on amendment S—4110 filed by Senator Rife from the floor to pages 10, 11 and 30 of the bill be temporarily deferred.

Senator Welsh offered amendment S—4111 filed by Senators Welsh, et al., from the floor to pages 10, 11, 19 and 30 of the bill.

Senator Hutchins asked and received unanimous consent that action on amendment S—4111 be deferred for consideration of amendment S—4102.

Senator Varn offered amendment S—4102 filed by Senators Varn, et al., from the floor to pages 10 and 11 of the bill.

Senator Deluhery asked and received unanimous consent that action on amendment S—4102 be deferred.

Senator Gronstal offered amendment S—4052 filed by Senators Gronstal, Deluhery and Bruner on May 2, 1989, to page 18 of the bill and moved its adoption.

Amendment S—4052 was adopted by a voice vote.

Senator Gronstal offered amendment S—3989 filed by him on April 28, 1989, to page 30 of the bill and moved its adoption.

Amendment S—3989 was adopted by a voice vote.

Senator Deluhery moved the adoption of amendment S—3995 as amended, previously deferred.

Amendment S—3995 as amended was adopted by a voice vote.

The Senate resumed consideration of amendment S—4102 by Senators Varn, et al, to pages 10 and 11 of the bill, previously deferred.

Senator Deluhery offered amendment S—4118 filed by Senators Deluhery, et al., from the floor to amendment S—4102 and moved its adoption.

Amendment S—4118 was adopted by a voice vote.

Senator Varn moved the adoption of amendment S—4102 as amended.

A record roll call was requested.

On the question "Shall amendment S—4102 as amended be adopted?" (H.F. 753) the vote was:

Ayes, 30:

Boswell	Bruner	Carr	Deluhery
Dieleman	Doyle	Gentleman	Gettings
Gronstal	Hannon	Horn	Husak
Hutchins	Kibbie	Kinley	Lloyd-Jones
Mann	Miller	Murphy	Palmer

Peterson	Priebe	Riordan	Running
Scott	Soorholtz	Sturgeon	Szymoniak
Taylor	Varn		

Nays, 19:

Coleman	Corning	Drake	Fraise
Goodwin	Hagerla	Hedge	Hester
Hultman	Jensen	Lind	Nystrom
Pate	Rensink	Rife	Tieden
Tinsman	Vande Hoef	Welsh	

Absent or not voting, 1:

Fuhrman

Amendment S—4102 as amended was adopted.

With the adoption of amendment S—4102 as amended, the Chair ruled the following amendments out of order:

S—3909 by the committee on Ways and Means to page 11 of the bill, previously deferred.

S—4110 by Senator Rife to pages 10, 11 and 30 of the bill, previously deferred.

S—4111 by Senators Welsh, et al., to pages 10, 11, 19 and 30 of the bill, previously deferred.

Senator Running offered amendment S—4120 filed by him from the floor to page 27 of the bill and moved its adoption.

Amendment S—4120 was adopted by a voice vote.

Senator Lind asked and received unanimous consent that action on **House File 753** be deferred.

BILL ASSIGNED TO COMMITTEE

President Zimmerman announced the assignment of **House File 794** to the committee on **Education**.

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 April 13, 1989, passed the following bill in which the concurrence of the House was asked:

Senate File 434, a bill for an act relating to elimination of the filing and docketing fee for a petition for modification of a dissolution decree and reduction of the fee for a certificate and seal and increasing certain other probate fees.

ALSO: That the House has, on May 4, 1989, **insisted on** its amendment to **Senate File 14**, a bill for an act relating to manicuring, providing for the licensing of manicurists, and providing properly related matters, and the members of the **conference committee** on the part of the House, are: The Representative from Polk, Mr. Renaud, Chair; the Representative from Johnson, Mrs. Doderer, the Representative from Iowa, Mr. Tyrrell, the Representative from Story, Mrs. Hammond, and the Representative from Story, Mrs. Garman.

ALSO: That the House, on May 4, 1989, **insisted on** its amendment to **House File 178**, a bill for an act relating to the department of inspections and appeals and its licensing, rulemaking, and enforcement authority with respect to health and human resources matters, and providing properly related matters, and the members of the **conference committee** on the part of the House are: The Representative from Scott, Mr. Fey, Chair; the Representative from Story, Mrs. Hammond, the Representative from Polk, Mr. Haverland, the Representative from Cerro Gordo, Mrs. Clark, and the Representative from Sioux, Mr. Plasier.

ALSO: That the House has on May 4, 1989, **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 419, a bill for an act relating to energy efficiency and providing effective dates.

Senate File 470, a bill for an act relating to waste minimization and disposal.

INTRODUCTION OF BILL

Senate File 545, by Hutchins and Hultman, a bill for an act relating to those persons eligible to sue for relief under the Iowa competition law, providing for the Act's applicability, and providing an effective date.

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

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 141

Senator Doyle called up the conference committee report on Senate File 141, a bill for an act relating to statutory corrections which adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, and remove ambiguities, filed on May 4, 1989, 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 Doyle 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. 141) the vote was:

Ayes, 48:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Gentleman	Gettings
Goodwin	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Hultman
Husak	Hutchins	Jensen	Kibbie
Kinley	Lind	Lloyd-Jones	Miller
Murphy	Nystrom	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Running	Scott	Soorholtz
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Fuhrman	Mann
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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 **Senate File 14** on the part of the Senate: Senators Sturgeon, Chair; Running, Carr, Vande Hoef and Hedge.

UNFINISHED BUSINESS (Deferred April 12, 1989)

House File 703

The Senate resumed consideration of House File 703, a bill for an act relating to the financing for the rural community 2000 program and authorizing the issuance of bonds and notes by the Iowa finance authority for the program, deferred April 12, 1989, with report of committee on Ways and Means recommending amendment and passage on April 25, 1989, and report of committee on Appropriation recommending amendment and passage on May 3, 1989, was taken up for further consideration.

Senator Miller offered amendment S—3573 filed by the committee on Small Business and Economic Development on April 6, 1989, to pages 1 through 3 of the bill.

Senator Miller offered amendment S—3831 filed by him on April 19, 1989, to amendment S—3573 and moved its adoption.

Amendment S—3831 was adopted by a voice vote.

Senator Miller moved the adoption of amendment S—3573 as amended, which motion prevailed by a voice vote.

With the adoption of amendment S—3573 as amended, the Chair ruled the following amendments out of order:

S—3910 filed by the committee on Ways and Means on April 25, 1989, to pages 2, 3 and the title page of the bill.

S—4099 filed by the committee on Appropriations on May 3, 1989, to amendment S—3910.

Senator Miller 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. 703) the vote was:

Ayes, 41:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Kibbie
Kinley	Lloyd-Jones	Mann	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Running	Scott	Soorholtz	Sturgeon
Szymoniak	Tinsman	Vande Hoef	Varn
Welsh			

Nays, 8:

Gentleman	Goodwin	Hultman	Jensen
Lind	Nystrom	Taylor	Tieden

Absent or not voting, 1:

Fuhrman

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

BUSINESS PENDING

House File 753

The Senate resumed consideration of House File 753, a bill for an act relating to the establishment of a waste volume reduction and recycling network, prohibiting the disposal of certain products at sanitary landfills, promoting the use of certain recyclable products and certain recycling or reprocessing equipment, prohibiting the use of certain other products, requiring city or county solid waste management programs and plans, establishing fees and taxes, providing for appropriation and expenditure of the fee receipts and certain other moneys, providing penalties, providing an effective date, and providing for other properly related matters, previously deferred.

Senator Lind offered amendment S—4121 filed by him from the floor to pages 9 and 14 of the bill, and moved its adoption.

A non record roll call was requested.

The ayes were 17, nays 28.

Amendment S—4121 lost.

Senator Running 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—4120 to House File 753 was adopted by the Senate on May 4, 1989.

The motion prevailed by a voice vote and amendment S—4120 by Senator Running to page 27 of the bill, was taken up for reconsideration.

Senator Running withdrew amendment S—4120 to page 27 of the bill.

Senator Running offered amendment S—4122 filed by him from the floor to page 27 of the bill and moved its adoption.

Amendment S—4122 was adopted by a voice vote.

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. 753) the vote was:

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

Ayes, 35:

Bruner	Carr	Corning	Deluhery
Dieleman	Doyle	Gentleman	Gettings
Gronstal	Hannon	Hedge	Horn
Husak	Hutchins	Kibbie	Kinley
Lind	Lloyd-Jones	Mann	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Riordan	Running	Scott
Soorholtz	Sturgeon	Szymoniak	Tieden
Tinsman	Varn	Welsh	

Nays, 14:

Boswell	Coleman	Drake	Fraise
Goodwin	Hagerla	Hester	Hultman
Jensen	Nystrom	Rensink	Rife
Taylor	Vande Hoef		

Absent or not voting, 1:

Fuhrman

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 141** and **House Files 703** and **753** be **immediately messaged** to the House.

BILL REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that **House File 739** be referred from the Unfinished Business Calendar to the committee on **Transportation**.

SENATE INSISTS

House File 780

Senator Welsh called up for consideration House File 780, a bill for an act relating to substance abuse treatment and narcotics law enforcement and creating a new department of drug control, making certain appropriations, providing penalties, and providing an effective date, 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 780 on the part of the Senate: Senators Gronstal, Chair; Doyle, Welsh, Hultman and Hagerla.

Senator Hutchins asked and received unanimous consent that **House File 780** be immediately messaged to the House.

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

The Senate resumed session, President pro tempore Mann presiding.

QUORUM CALL

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

President Zimmerman took the chair at 5:08 p.m.

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

CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House Files 771, 776 and 777.

House File 771

On motion of Senator Bruner, House File 771, a bill for an act relating to eligibility for reimbursement for rent constituting property tax paid and providing for a retroactive applicability date, with report of committee recommending passage, was taken up for consideration.

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. 771) the vote was:

Ayes, 41:

Boswell	Bruner	Coleman	Deluhery
Dieleman	Doyle	Drake	Fraise
Gettings	Goodwin	Gronstal	Hedge
Hester	Horn	Hultman	Husak

Hutchins	Jensen	Kibbie	Kinley
Lind	Lloyd-Jones	Mann	Nystrom
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Running
Scott	Soorholtz	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Welsh			

Nays, 4:

Corning	Fuhrman	Gentleman	Hagerla
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Absent or not voting, 5:

Carr	Hannon	Miller	Murphy
Varn			

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

House File 776

On motion of Senator Szymoniak, House File 776, a bill for an act relating to the operation and dissolution of a benefited fire district including a city, and authorizing the levy of a property tax, with report of committee recommending passage, was taken up for consideration.

Senator Szymoniak 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. 776) the vote was:

Ayes, 48:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Hultman	Husak	Hutchins	Jensen
Kibbie	Kinley	Lind	Lloyd-Jones
Mann	Nystrom	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Running	Scott	Soorholtz
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Absent or not voting, 2:

Miller

Murphy

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

MOTIONS TO OVERRIDE GOVERNOR'S ITEM VETO LOST

Senator Welsh called up for consideration Senate File 363, a bill for an act relating to and making supplemental appropriations to the auditor of state, department of general services, department of human services, college aid commission, state board of regents, Iowa department of public health, department of commerce, department of corrections, judicial department, department of cultural affairs, Iowa state fair authority, department of agriculture and land stewardship, department of natural resources, department of public defense, state department of transportation, and council of state governments for the remainder of the fiscal year ending June 30, 1989, and providing an effective date, and moved to reconsider and pass, the objections of the Governor notwithstanding, Section 13, subsection 2, paragraph a, subdivisions 6 through 22, and Section 13, subsection 2, paragraph b as item vetoed by the Governor on May 2, 1989.

Senator Welsh asked and received unanimous consent to defer action on his motion.

Senator Welsh moved to reconsider and pass, the objections of the Governor notwithstanding, Section 6, subsection 6 of Senate File 363 as item vetoed by the Governor on May 2, 1989.

On the question "Shall the Senate on reconsideration, pass Section 6, subsection 6, the objections of the Governor to the contrary notwithstanding?" (S.F. 363) the vote was:

Ayes, 30:

Boswell	Bruner	Carr	Coleman
Deluhery	Dieleman	Doyle	Fraise
Gettings	Gronstal	Hannon	Horn
Husak	Hutchins	Kibbie	Kinley
Lloyd-Jones	Mann	Miller	Murphy
Palmer	Peterson	Priebe	Riordan

Running Varn	Scott Welsh	Sturgeon	Szymoniak
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Nays, 20:

Corning	Drake	Fuhrman	Gentleman
Goodwin	Hagerla	Hedge	Hester
Hultman	Jensen	Lind	Nystrom
Pate	Rensink	Rife	Soorholtz
Taylor	Tieden	Tinsman	Vande Hoef

The motion having failed to receive a two-thirds vote was declared to have lost and the Governor's item veto was sustained.

Senator Welsh renewed his motion to reconsider and pass, the objections of the Governor notwithstanding, Section 13, subsection 2, paragraph a, subdivisions 6 through 22, and Section 13, subsection 2, paragraph b as item vetoed by the Governor on May 2, 1989, previously deferred.

On the question "Shall the Senate, on reconsideration, pass Section 13, subsection 2, paragraph a, subdivisions 6 through 22 and Section 13, subsection 2, paragraph b, the objections of the Governor to the contrary notwithstanding?" (S.F. 363) the vote was:

Ayes, 30:

Boswell	Bruner	Carr	Coleman
Deluhery	Dieleman	Doyle	Fraise
Gettings	Gronstal	Hannon	Horn
Husak	Hutchins	Kibbie	Kinley
Lloyd-Jones	Mann	Miller	Murphy
Palmer	Peterson	Priebe	Riordan
Running	Scott	Sturgeon	Szymoniak
Varn	Welsh		

Nays, 20:

Corning	Drake	Fuhrman	Gentleman
Goodwin	Hagerla	Hedge	Hester
Hultman	Jensen	Lind	Nystrom
Pate	Rensink	Rife	Soorholtz
Taylor	Tieden	Tinsman	Vande Hoef

The motion having failed to receive a two-thirds vote was declared to have lost and the Governor's item veto was sustained.

Senator Hutchins asked and received unanimous consent that further action on the Governor's item vetoes of Senate File 363 be indefinitely postponed and that the bill be removed from the Veto Messages Calendar.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **House Files 771, 776 and 777** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House Files 765 and 578.

House File 765

On motion of Senator Palmer, House File 765, a bill for an act exempting certain deeds transferring real estate from declarations of value and the tax on transfers, with report of committee recommending passage, was taken up for consideration.

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. 765) the vote was:

Ayes, 50:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Hultman	Husak	Hutchins	Jensen
Kibbie	Kinley	Lind	Lloyd-Jones
Mann	Miller	Murphy	Nystrom
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Running
Scott	Soorholtz	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

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

House File 578

On motion of Senator Husak, House File 578, a bill for an act excluding from income for purposes of state and local government benefit or entitlement programs and the state individual income tax proceeds received for damages resulting from exposure to certain herbicides and providing a retroactive applicability date, with report of committee recommending passage, was taken up for consideration.

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. 578) the vote was:

Ayes, 49:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Hultman	Husak	Hutchins	Jensen
Kibbie	Kinley	Lind	Lloyd-Jones
Mann	Miller	Murphy	Nystrom
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Running	Scott
Soorholtz	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Riordan

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

BILL ASSIGNED TO COMMITTEE

The Chair announced that **Senate File 545** was assigned to the committee on **Agriculture**.

UNFINISHED BUSINESS
(Deferred April 6, 1989)**House File 685**

On motion of Senator Gronstal, House File 685, a bill for an act relating to the acquisition of an interest in a bank located in Iowa or a bank holding company located in Iowa owning or controlling one or more banks in Iowa by an out-of-state regional bank holding company, subject to certain procedures and conditions, subjecting a bank acquired by a regional bank holding company to community reinvestment standards and disclosures as a condition of the deposit of public funds or the approval of actions of the bank by the superintendent, and other properly related matters, and making penalties applicable and providing penalties, was taken up for further consideration (substituted for Senate File 333 as amended and deferred on April 6, 1989.

Senator Hutchins withdrew amendment S—4112 filed by him from the floor to page 1 and the title page of the bill.

President pro tempore Mann took the chair at 6:22 p.m.

Senator Gronstal offered amendment S—4124 filed by Senators Riordan, Deluhery and Gronstal from the floor to pages 13 and 19 through 21 of the bill.

Senator Jensen asked and received unanimous consent that action on amendment S—4124 be deferred.

Senator Hutchins asked and received unanimous consent that action on **House File 685** be **deferred**.

UNFINISHED BUSINESS
(Deferred May 2, 1989)**House File 140**

The Senate resumed consideration of House File 140, a bill for

an act relating to the linked deposit program and providing an effective date, and amendment S—3495 as amended by the committee on Small Business and Economic Development, to pages 1 and 2 of the bill, deferred May 2, 1989.

Senator Boswell moved the adoption of amendment S—3495 as amended.

A non record roll call was requested.

The ayes were 26, nays 15.

Amendment S—3495 as amended was adopted.

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. 140) the vote was:

Ayes, 47:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Hultman	Husak	Hutchins	Jensen
Kibbie	Kinley	Lloyd-Jones	Mann
Miller	Murphy	Nystrom	Palmer
Pate	Priebe	Rensink	Riordan
Running	Scott	Soorholtz	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, 3:

Lind	Peterson	Rife
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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 Files 765, 578 and 140 be immediately messaged to the House.

Senator Hutchins asked and received unanimous consent to send an **immediate message** to the House on **Senate File 14**.

BILL REMOVED FROM VETO MESSAGES CALENDAR

Senator Hutchins asked and received unanimous consent that action on the Governor's item vetoes of **Senate File 520** be indefinitely postponed and that the bill be removed from the Veto Messages Calendar.

MOTION TO RECONSIDER LOST

House File 451

Senator Welsh called up the motion to reconsider House File 451, a bill for an act relating to audits, amending provisions governing audits of governmental subdivisions and revising the powers and duties of the auditor of state with respect to such audits, providing for payment to the auditor of state for certain advisory and consultative services, providing for filing fees, providing properly related matters, and providing an effective date, filed by him on May 2, 1989, found on page 1851 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 451) the vote was:

Ayes, 13:

Bruner	Carr	Gronstal	Kinley
Lind	Lloyd-Jones	Mann	Murphy
Nystrom	Peterson	Rife	Varn
Welsh			

Nays, 36:

Boswell	Coleman	Corning	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gentleman	Gettings	Goodwin
Hagerla	Hannon	Hedge	Hester
Horn	Hultman	Husak	Hutchins
Jensen	Kibbie	Miller	Palmer
Priebe	Rensink	Riordan	Running
Scott	Soorholtz	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef

Absent or not voting, 1:

Pate

The motion lost.

The following motion to reconsider filed by Senator Carr from the floor was out of order:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S—3564 to House File 451 was adopted by the Senate on April 20, 1989.

Amendment S—4104 filed by Senators Carr and Nystrom from the floor to amendment S—3564 was out of order.

Senator Hutchins asked and received unanimous consent that **House File 451** be **immediately messaged** to the House.

BUSINESS PENDING

House File 685

The Senate resumed consideration of House File 685, a bill for an act relating to the acquisition of an interest in a bank located in Iowa or a bank holding company located in Iowa owning or controlling one or more banks in Iowa by an out-of-state regional bank holding company, subject to certain procedures and conditions, subjecting a bank acquired by a regional bank holding company to community reinvestment standards and disclosures as a condition of the deposit of public funds or the approval of actions of the bank by the superintendent, and other properly related matters, and making penalties applicable and providing penalties, and amendment S—4124 by Senators Riordan, Deluhery and Gronstal to pages 13 and 19 through 21 of the bill, previously deferred.

Senator Jensen offered amendment S—4126 filed by him from the floor to amendment S—4124 and moved its adoption.

Amendment S—4126 was adopted by a voice vote.

Senator Rife called for a division of amendment S—4124 as amended: page 1, lines 3 through 23 as division S—4124A; page 1, lines 24 through 50 as division S—4124B; page 2 as division S—4124C.

Senator Riordan moved the adoption of division S—4124A.

A record roll call was requested.

On the question “Shall division S—4124A be adopted?” (H.F. 685) the vote was:

Ayes, 28:

Boswell	Bruner	Coleman	Corning
Deluhery	Dieleman	Fraise	Fuhrman
Gentleman	Goodwin	Gronstal	Hannon
Hultman	Husak	Kibbie	Kinley
Lind	Mann	Murphy	Nystrom
Pate	Rensink	Riordan	Running
Sturgeon	Szymoniak	Tinsman	Vande Hoef

Nays, 20:

Doyle	Drake	Gettings	Hagerla
Hedge	Hester	Horn	Hutchins
Jensen	Miller	Palmer	Peterson
Priebe	Rife	Scott	Soorholtz
Taylor	Tieden	Varn	Welsh

Absent or not voting, 2:

Carr	Lloyd-Jones
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Division S—4124A was adopted.

Senator Riordan moved the adoption of division S—4124B.

A record roll call was requested.

On the question “Shall division S—4124B be adopted?” (H.F. 685) the vote was:

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

Ayes, 29:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Fuhrman
Gentleman	Gettings	Gronstal	Hagerla
Hannon	Horn	Hultman	Kibbie
Lind	Mann	Murphy	Nystrom
Palmer	Pate	Rensink	Riordan

Running
Vande Hoef

Sturgeon

Szymoniak

Tinsman

Nays, 21:

Doyle

Drake

Fraise

Goodwin

Hedge

Hester

Husak

Hutchins

Jensen

Kinley

Lloyd-Jones

Miller

Peterson

Priebe

Rife

Scott

Soorholtz

Taylor

Tieden

Varn

Welsh

Division S—4124B was adopted.

Senator Rife asked and received unanimous consent that action on division S—4124C as amended be deferred.

Senator Bruner offered amendment S—4125 filed by him from the floor to page 14 of the bill.

Senator Peterson asked and received unanimous consent that action on amendment S—4125 be deferred.

Senator Horn asked and received unanimous consent that action on **House File 685** be deferred.

President Zimmerman took the chair at 8:20 p.m.

COMMITTEE REPORTS

EDUCATION

Final Bill Action: HOUSE FILE 794, a bill for an act establishing an autonomous board to perform the duties of the present board of educational examiners and professional practices commission.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Murphy, Horn, Boswell, Bruner, Deluhery, Kibbie, Lind, Lloyd-Jones, Szymoniak and Varn. Nays, 3: Dieleman, Hedge and Tieden. Absent or not voting, 4: Taylor, Corning, Rensink and Tinsman.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: HOUSE FILE 790, a bill for an act relating to the voluntary certification of real estate appraisers, real estate appraisal standards, and providing for penalties.

Recommendation: DO PASS.

Final Vote: Ayes. 11: Carr, Lloyd-Jones, Nystrom, Coleman, Dieleman, Drake, Gronstal, Hannon, Rife, Soorholtz and Vande Hoef. Nays, none. Absent or not voting, 4: Fraise, Gentleman, Horn and Running.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Final Bill Action: HOUSE FILE 784, a bill for an act relating to motor vehicle registrations and certificates of title and providing penalties and effective dates.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Coleman, Drake, Dieleman, Doyle, Goodwin, Jensen, Lloyd-Jones and Nystrom. Nays, none. Absent or not voting, 2: Gettings and Scott.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 792, a bill for an act relating to transportation of hazardous materials and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Coleman, Drake, Dieleman, Doyle, Goodwin, Jensen, Lloyd-Jones and Nystrom. Nays, none. Absent or not voting, 2: Gettings and Scott.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration House File 784.

House File 784

On motion of Senator Drake, House File 784, a bill for an act relating to motor vehicle registrations and certificates of title and providing penalties and effective dates, with report of committee recommending passage, was taken up for consideration.

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?" (H.F. 784) the vote was:

Ayes, 46:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hannon
Hedge	Hester	Horn	Hultman
Husak	Hutchins	Jensen	Kibbie
Kinley	Lind	Lloyd-Jones	Mann
Miller	Murphy	Nystrom	Palmer
Pate	Peterson	Priebe	Rensink
Running	Scott	Soorholtz	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn		

Nays, 3:

Hagerla	Riordan	Welsh
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Absent or not voting, 1:

Rife

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 784** be **immediately messaged** to the House.

WITHDRAWN

Senator Hutchins asked and received unanimous consent that **Senate File 543** be **withdrawn** from further consideration of the Senate.

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 4, 1989, passed the following bills in which the concurrence of the Senate is asked:

House Joint Resolution 13, a joint resolution to nullify administrative rules of the Iowa department of public health relating to the educational qualifications of nursing educators and providing an effective date.

This bill was read first time and assigned to the committee on **Education**.

House File 786, a bill for an act relating to the purchase of products from prison industries by a department or agency of state government and providing an applicability provision.

This bill was read first time and assigned to the committee on **Appropriations**.

ALSO: That the members of the **conference committee**, appointed May 4, 1989, on **House File 728**, a bill for an act relating to official publications by amending rates for county publication of board proceedings, by reducing the specific information required in county care facility inventory publications, by permitting division of the delinquent tax list for publication, by establishing a minimum type size, by reducing publication fees when publication is not timely made, and by eliminating the requirement for publication of notice of textbook purchase, on the part of the House, are: The Representative from Palo Alto, Mr. Fogarty, Chair; the Representative from Hardin, Mr. Fuller, the Representative from Lucas, Mr. Brown, the Representative from Grundy, Mr. Renken, and the Representative from Plymouth, Mr. Banks.

ALSO: That the members of the **conference committee**, appointed May 4, 1989, on **House File 780**, a bill for an act relating to substance abuse treatment and narcotics law enforcement and creating a new department of drug control, making certain appropriations, providing penalties, and providing an effective date, on the part of the House, are: The Representative from Dallas, Mr. McKinney, Chair; the Representative from Appanoose, Mr. Jay, the Representative from Carroll, Mr. Peterson, the Representative from Muscatine, Mr. Trent, and the Representative from Clarke, Mr. Beaman.

ALSO: That the House has on May 4, 1989, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 220, a bill for an act relating to the unclaimed winnings from and the taxes imposed on pari-mutuel wagering at racetracks in the state and providing applicability and effective dates (S—4127).

ALSO: That the House has, on May 4, 1989, **insisted** on its amendment to **Senate File 538**, a bill for an act relating to medical and health care, including matters relating to the maternal and child health program; the expansion of medical assistance eligibility for certain persons; physicians' charges for services to beneficiaries of health insurance under Title XVIII of the federal Social Security Act and providing for the collection and analysis of information; health care access; the requirement of the department of human services to collect certain data relating to usage of health maintenance organization services by recipients of medical assistance; the state individual income tax by requiring an evaluation of the medical and health insurance deduction; rural health systems delivery and rural occupational health; requiring the department of human services to adopt rules to conduct studies regarding health care providers which are reimbursed under the medical assistance program; establishing a health care cost containment task force; making appropriations to certain state agencies; and providing for other properly related matters, and the members of the **conference committee**, on the part of the House, are: The Representative from Story, Mrs. Hammond, Chair; the Representative from Dubuque, Mr. Jochum, the Representative from Scott, Mr. Fey, the Representative from Polk, Mrs. Carpenter, and the Representative from Pottawattamie, Mrs. Hester.

APPOINTMENT OF CONFERENCE COMMITTEES

The Chair announced the following conference committee on **House File 178** on the part of the Senate: Senators Carr, Chair; Dieleman, Hannon, Taylor and Gentleman.

The Chair announced the following conference committee on **Senate File 538** on the part of the Senate: Senators Bruner, Chair; Palmer, Lloyd-Jones, Corning and Tinsman.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **House File 178** and **Senate File 538** be **immediately messaged** to the House.

APPENDIX

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on May 4, 1989, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 479 — Directing the code editor to transfer various chapters and sections of the code relating to the authority to regulate drainage to a new chapter.

SENATE FILE 485 — Prohibiting the sale, purchase, or use of a pesticide containing daminozide, providing an effective date, and making a penalty applicable.

SENATE FILE 486 — Relating to rent-to-own regulations.

SENATE FILE 490 — Relating to the sale, lease, rental, or advertising of water treatment systems.

SENATE FILE 494 — Relating to the disposition of property devised as a class gift where the testator has survived the devisee, and providing for the act's applicability.

PETITION

The following petition was presented and placed on file by:

Senators Hannon and Welsh from forty-nine students of Cascade Junior High School, Jones and Dubuque Counties, favoring House File 708 (resource enhancement and protection).

RESOLUTION ENROLLED, SIGNED AND SENT TO SECRETARY OF STATE

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following resolution has been enrolled, signed by the President of the Senate and the Speaker of the House, and submitted to the Secretary of State on this 4th day of May, 1989:

Senate Joint Resolution 10.

JOHN F. DWYER
Secretary of the Senate

PRESENTATION OF VISITORS

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

Twenty-one eighth grade students from Orange City Christian School, Orange City, Iowa, accompanied by Bruce Nelson. Senator Rensink.

Eighteen fifth and sixth grade students from Amana Elementary School, Middle, Iowa, accompanied by Beverly Merritt. Senator Varn.

SUBCOMMITTEE ASSIGNMENTS

House File 782

JUDICIARY: Mann, Chair; Varn and Hester

House File 784

TRANSPORTATION: Lloyd-Jones, Chair; Scott and Jensen

House File 792

TRANSPORATION: Coleman, Chair; Drake and Gettings

House File 794

EDUCATION: Murphy, Chair; Horn and Lind

CONFERENCE COMMITTEE REPORT RECEIVED (House File 779)

A conference committee report signed by the following Senate and House members was filed May 4, 1989, on House File 779, a bill for an act relating to and making appropriations, subject to certain conditions, to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the office

of the state public defender, the department of inspections and appeals, the department of commerce, and the racing commission, among others, and effecting the laws enforced by and procedures utilized by such regulatory bodies, determining the ownership and control of certain property in the possession of the office of the state public defender, and imposing penalties:

On the Part of the Senate:

RICHARD RUNNING, Chair
 BEVERLY HANNON
 JEAN LLOYD-JONES

On the Part of the House:

THOMAS J. JOCHUM, Chair
 TONY BISIGNANO
 MINNETTE DODERER

AMENDMENTS FILED

S—4112	H.F.	685	Bill Hutchins
S—4113	H.F.	787	Alvin Miller
S—4114	H.F.	787	Alvin Miller
S—4115	H.F.	787	Alvin Miller
S—4116	S.F.	539	House amendment
S—4117	H.F.	758	Tom Mann, Jr.
S—4118	H.F.	753	Patrick Deluhery Richard Varn William Palmer Michael Gronstal Berl Priebe
S—4119	H.F.	777	Charles Bruner Calvin Hultman Elaine Szymoniak
S—4120	H.F.	753	Richard Running
S—4121	H.F.	753	Jim Lind
S—4122	H.F.	753	Richard Running
S—4123	H.F.	556	Richard Varn
S—4124	H.F.	685	Jim Riordan Patrick Deluhery Michael Gronstal
S—4125	H.F.	685	Charles Bruner
S—4126	H.F.	685	John Jensen
S—4127	S.F.	220	House amendment
S—4128	H.F.	685	John Peterson Charles Bruner

S—4129

H.F.

690

Tom Mann, Jr.

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 8:34 p.m., until 9:00 a.m., Friday, May 5, 1989.

JOURNAL OF THE SENATE

ONE HUNDRED SEVENTEENTH CALENDAR DAY
SEVENTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, May 5, 1989

The Senate met in regular session at 9:03 a.m., President Zimmerman presiding.

Prayer was offered by Rachel Knight, Senate Page, Bonaparte, Iowa, who vocally performed "The Rose."

The Journal of Thursday, May 4, 1989, was approved.

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 3, 1989, adopted the conference committee report and passed **Senate File 157**, a bill for an act relating to driving privileges of fourteen-year-old drivers, permitting attendance at approved driver education courses, requiring completion of driver education before issuance of a school license, and removing time limits on use of a school license.

ALSO: That the House has on May 3, 1989, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 459, a bill for an act relating to the disposition of seizable and forfeitable property, by modifying provisions relating to seizable property and seizure of vehicles, by providing for classes of forfeiture property, amending the burden of proof at forfeiture proceedings, providing for conditions of forfeiture, establishing certain affirmative defenses, presumptions, and counterclaims, providing for the award of attorney fees, and providing an applicability date and an effective date.

House File 764, a bill for an act relating to the establishment of real estate education programs and making an appropriation.

House File 769, a bill for an act creating an Iowa resources enhancement and protection fund, providing for the allocation of fund revenue and making appropriations, authorizing a state-sponsored credit card, providing for properly related matters, subjecting violators to penalties, and providing an effective date.

ALSO: That the House has on May 3, 1989, 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 366, a bill for an act authorizing a city to seek a judgment against a property owner for improvements made to the property.

ALSO: That the House has, on May 4, 1989, adopted the conference committee report and passed **House File 779**, a bill for an act relating to and making appropriations, subject to certain conditions, to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the office of the state public defender, the department of inspections and appeals, the department of commerce, and the racing commission, among others, and effecting the laws enforced by and procedures utilized by such regulatory bodies, determining the ownership and control of certain property in the possession of the office of the state public defender, and imposing penalties.

ALSO: That the House has on May 4, 1989, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bills in which the concurrence of the Senate is asked:

House File 686, a bill for an act establishing a science and technology foundation and providing an effective date (S—4131 to H—4310).

House File 772, a bill for an act relating to and making appropriations to the justice system (S—4130 to H—4411).

QUORUM CALL

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

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

CONFERENCE COMMITTEE REPORT LOST

House File 779

Senator Running called up the conference committee report on House File 779, a bill for an act relating to and making appropriations, subject to certain conditions, to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the office of the state public defender, the department of inspections and appeals, the department of commerce, and the racing commission, among others, and effecting the laws enforced by and procedures utilized by such regulatory bodies, determining the ownership and control of certain property in the possession of the office of the state public defender, and imposing penalties, filed on May 4, 1989, and moved its adoption.

A record roll call was requested.

On the question "Shall the conference committee report be adopted?" (H.F. 779) the vote was:

Ayes, 15:

Bruner	Carr	Deluhery	Doyle
Gronstal	Hannon	Horn	Hutchins
Kibbie	Lloyd-Jones	Mann	Murphy
Riordan	Sturgeon	Welsh	

Nays, 35:

Boswell	Coleman	Corning	Dieleman
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Hagerla	Hedge
Hester	Hultman	Husak	Jensen
Kinley	Lind	Miller	Nystrom
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Running	Scott
Soorholtz	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	

The motion lost.

APPOINTMENT OF SECOND CONFERENCE COMMITTEE

The Chair announced the following second conference committee on **House File 779** on the part of the Senate: Senators Running, Chair; Palmer, Szymoniak, Tieden and Lind.

HOUSE AMENDMENT CONSIDERED**Senate File 539**

Senator Dieleman called up for consideration Senate File 539, a bill for an act relating to the taxation of certain pensions, annuities, and retirement allowances received for purposes of the state individual income tax and providing a retroactive applicability date, amended by the House, and moved that the Senate concur in House amendment S—4116 filed May 4, 1989.

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

**HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED****House File 772**

Senator Fraise called up for consideration House File 772, a bill for an act relating to and making appropriations to the justice system, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—4130 to Senate amendment H—4411 filed May 5, 1989.

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

Senator Fraise 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. 772) the vote was:

Ayes, 50:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Hultman	Husak	Hutchins	Jensen
Kibbie	Kinley	Lind	Lloyd-Jones
Mann	Miller	Murphy	Nystrom
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Running
Scott	Soorholtz	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

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

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House Files 772, 779** and **Senate File 539** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 220

Senator Murphy called up for consideration Senate File 220, a bill for an act relating to the unclaimed winnings from and the taxes imposed on pari-mutuel wagering at racetracks in the state and providing applicability and effective dates, amended by the House in House amendment S—4127 filed May 4, 1989.

Senator Murphy asked and received unanimous consent that action on House amendment S—4127 **Senate File 220** be **deferred**.

CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 14)

A conference committee report signed by the following Senate

and House members was filed May 5, 1989, on Senate File 14, a bill for an act relating to manicuring, providing for the licensing of manicurists, and providing properly related matters:

On the Part of the Senate:

AL STURGEON, Chair
H. KAY HEDGE
RICHARD RUNNING
RICHARD VANDE HOEF

On the Part of the House:

DENNIS RENAUD, Chair
MINNETTE DODERER
TERESA GARMAN
JOHNNIE HAMMOND
PHIL TYRRELL

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 14

Senator Sturgeon called up the conference committee report on Senate File 14, a bill for an act relating to manicuring, providing for the licensing of manicurists, and providing properly related matters, filed on May 5, 1989, 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 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. 14) the vote was:

Ayes, 43:

Boswell	Bruner	Coleman	Corning
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Hannon	Hedge
Hester	Horn	Husak	Hutchins
Jensen	Kibbie	Lind	Lloyd-Jones
Mann	Miller	Nystrom	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Running	Scott	Soorholtz
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	

Nays, 5:

Carr
Welsh

Hagerla

Murphy

Riordan

Absent or not voting, 2:

Hultman

Kinley

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 April 26, 1989)

House File 250

The Senate resumed consideration of House File 250, a bill for an act relating to violations of an individual's civil rights, by prohibiting interference with the contractual or business relations of another citizen, by prohibiting acts of assault and criminal mischief, providing victims actionable civil relief against offenders, establishing a program to monitor civil rights violations, and providing a penalty, and amendment S—3634 as amended by Senators Taylor and Running to strike everything after the enacting clause and to the title page of the bill, deferred April 26, 1989.

Senator Welsh called up the motion to reconsider the vote by which amendment S—3830 to amendment S—3634 to House File 250 was adopted by the Senate on April 26, 1989, filed by him on April 26, 1989, found on page 1704 of the Senate Journal and moved its adoption.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (H.F. 250) the vote was:

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

Ayes, 23:

Boswell	Bruner	Carr	Corning
Deluhery	Doyle	Fuhrman	Gronstal
Hannon	Horn	Hutchins	Kibbie
Lind	Lloyd-Jones	Mann	Miller
Murphy	Peterson	Sturgeon	Szymoniak
Tinsman	Varn	Welsh	

Nays, 27:

Coleman	Dieleman	Drake	Fraise
Gentleman	Gettings	Goodwin	Hagerla
Hedge	Hester	Hultman	Husak
Jensen	Kinley	Nystrom	Palmer
Pate	Priebe	Rensink	Rife
Riordan	Running	Scott	Soorholtz
Taylor	Tieden	Vande Hoef	

The motion lost.

The motion to reconsider the vote by which amendment S—3830 to S—3634 to House File 250 was adopted by the Senate on April 26, 1989, filed by Senator Taylor on April 26, and found on page 1704 of the Senate Journal, was out of order.

Senator Taylor moved the adoption of amendment S—3634 as amended, which motion prevailed by a voice vote.

With the adoption of amendment S—3634 as amended, the Chair ruled the following amendments out of order:

S—3666 filed by Senator Fuhrman on April 12, 1989, to page 2 of the bill.

S—3692 filed by Senator Fuhrman on April 13, 1989, to page 2 of the bill.

S—3699 filed by Senator Mann on April 13, 1989, to strike everything after the enacting clause of the bill.

S—3709 filed by Senator Mann on April 14, 1989, to strike everything after the enacting clause and to the title page of the bill.

S—3833 filed by Senators Varn, et al., on April 19, 1989, to strike everything after the enacting clause and to the title page of the bill.

S—3834 filed by Senator Fuhrman on April 19, 1989, to amendment S—3833.

S—3959 filed by Senator Mann on April 27, 1989, to amendment S—3833.

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. 250) the vote was:

Ayes, 45:

Boswell	Bruner	Carr	Coleman
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Hultman
Husak	Hutchins	Jensen	Kibbie
Kinley	Lind	Miller	Murphy
Nystrom	Palmer	Pate	Priebe
Rensink	Rife	Riordan	Running
Scott	Soorholtz	Sturgeon	Szymoniak
Taylor	Tieden	Vande Hoef	Varn
Welsh			

Nays, 5:

Corning	Lloyd-Jones	Mann	Peterson
Tinsman			

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 14** and **House File 250** be **immediately messaged** to the House.

MOTION TO RECONSIDER ADOPTED

Senator Hutchins called up the motion to reconsider Senate File 39 filed by him on February 9, 1989, found on page 358 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 39) the vote was:

Ayes, 45:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Doyle	Drake
Fraise	Fuhrman	Gettings	Goodwin
Gronstal	Hagerla	Hannon	Hedge
Hester	Horn	Hultman	Husak
Hutchins	Jensen	Kibbie	Kinley
Lind	Mann	Miller	Murphy
Nystrom	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Running
Scott	Soorholtz	Sturgeon	Szymoniak
Taylor	Tinsman	Vande Hoef	Varn
Welsh			

Nays, 2:

Gentleman	Tieden
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Absent or not voting, 3:

Dieleman	Lloyd-Jones	Palmer
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The motion prevailed.

Senator Hutchins moved to reconsider the vote by which Senate File 39 went to its last reading, which motion prevailed by a voice vote.

Senate File 39

On motion of Senator Murphy, Senate File 39, a bill for an act relating to payment of costs of asbestos identification and removal by boards of directors of school districts and providing for the imposition of a tax, was taken up for reconsideration.

Senator Hutchins asked and received unanimous consent that **Senate File 39** be referred to the committee on **Education**.

UNFINISHED BUSINESS
(Deferred April 11, 1989)

House File 706

The Senate resumed consideration of House File 706, a bill for an act relating to the use of federal and state funding sources to finance job training through vocational education, deferred April 11, 1989.

Senator Kibbie 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. 706) the vote was:

Ayes, 48:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Fraise	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Hultman
Husak	Hutchins	Jensen	Kibbie
Kinley	Lind	Lloyd-Jones	Mann
Miller	Murphy	Nystrom	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Running	Scott
Soorholtz	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Drake Sturgeon

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

UNFINISHED BUSINESS
(Deferred April 13, 1989)

House File 166

The Senate resumed consideration of House File 166, a bill for

an act relating to the authority of county conservation boards, by authorizing the charging of certain county park fees and by prohibiting the exclusive use of county parks by one or more organizations, deferred April 13, 1989.

Senator Hester 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. 166) the vote was:

Ayes, 29:

Bruner	Carr	Corning	Deluhery
Drake	Fuhrman	Goodwin	Gronstal
Hagerla	Hedge	Hester	Hultman
Jensen	Kibbie	Lind	Lloyd-Jones
Mann	Nystrom	Pate	Rensink
Rife	Soorholtz	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Welsh			

Nays, 21:

Boswell	Coleman	Dieleman	Doyle
Fraise	Gentleman	Gettings	Hannon
Horn	Husak	Hutchins	Kinley
Miller	Murphy	Palmer	Peterson
Priebe	Riordan	Running	Scott
Varn			

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

SENATE INSISTS

House File 271

Senator Husak called up for consideration House File 271, a bill for an act relating to the repeal of a local option sales and services tax and providing an effective date, 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.

UNFINISHED BUSINESS
(Deferred April 13, 1989)

House File 355

The Senate resumed consideration of House File 355, a bill for an act relating to travel agents and agencies by providing for registration and regulation, and providing for fees and penalties, deferred April 13, 1989.

Senator Running offered amendment S—4081 filed by Senators Running, Palmer and Szymoniak on May 3, 1989, to pages 1 through 6 of the bill and moved its adoption.

Amendment S—4081 was adopted by a voice vote.

With the adoption of amendment S—4081, the Chair ruled amendment S—3584 filed by Senator Palmer on April 6, 1989, to page 4 of the bill, out of order.

Senator Gentleman asked and received unanimous consent that action on **House File 355** be **deferred**.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 271** on the part of the Senate: Senators Priebe, Chair; Husak, Doyle, Fuhrman and Gentleman.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **House Files 706, 166** and **271** be **immediately messaged** to the House.

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, 1989, 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 451, a bill for an act relating to audits, amending provisions governing audits of governmental subdivisions and revising the powers and duties of the auditor of state with respect to such audits, providing for payment to the auditor of state for certain advisory and consultative services, providing for filing fees, providing properly related matters, and providing an effective date (S—4134 to H—4446).

RECESS

On motion of Senator Hutchins, the Senate recessed at 11:57 a.m., until 2:00 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: May 4, 1989, 4:25 p.m.

Members Present: Murphy, Chair; Horn, Vice Chair; Taylor, Ranking Member; Boswell, Bruner, Corning, Deluhery, Dieleman, Hedge, Kibbie, Lind, Lloyd-Jones, Rensink, Szymoniak, Tieden, Tinsman and Varn.

Members Absent: none.

Committee Business: Recommended passage of House File 794.

Adjourned: 4:50 p.m.

STATE GOVERNMENT

Convened: May 4, 1989, 5:00 p.m.

Members Present: Carr, Chair; Lloyd-Jones, Vice Chair; Nystrom, Ranking Member; Coleman, Dieleman, Drake, Gronstal, Hannon, Rife, Soorholtz and Vande Hoef.

Members Absent: Fraise, Gentleman, Horn and Running (all excused).

Committee Business: Recommended passage of House File 790.

Adjourned: 5:05 p.m.

TRANSPORTATION

Convened: May 4, 1989, 4:45 p.m.

Members Present: Coleman, Chair; Drake, Ranking Member; Dieleman, Doyle, Goodwin, Jensen, Lloyd-Jones and Nystrom.

Members Absent: Scott, Vice Chair and Gettings (both excused).

Committee Business: Recommended passage of House Files 784 and 792.

Adjourned: 4:55 p.m.

WAYS AND MEANS

Convened: May 4, 1989, 10:35 a.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Bruner, Drake, Fraise, Fuhrman, Gentleman, Hultman, Kibbie, Murphy, Palmer, Soorholtz and Szymoniak.

Members Absent: Hester, Ranking Member and Riordan.

Committee Business: Assigned bills to subcommittees; recommended passage of House Files 776, 777, 765, 578, 771 and Senate File 543.

Adjourned: 10:55 a.m.

PETITION

The following petition was presented and placed on file by:

Senator Husak from seven hundred thirty-five residents of Tama and Marshall Counties requesting rumble strips and flashing lights at the intersection of State Highway 96 and Marshall County Road #T29.

CONFERENCE COMMITTEE REPORT RECEIVED
(House File 728)

A conference committee report signed by the following Senate and House members was filed May 5, 1989, on House File 728, a bill for an act relating to official publications by amending rates for county publication of board proceedings, by reducing the specific information required in county care facility inventory publications, by permitting division of the delinquent tax list for publication, by establishing a minimum type size, by reducing publication fees when publication is not timely made, and by eliminating the requirement for publication of notice of textbook purchase:

On the Part of the Senate:

ALVIN MILLER, Chair
LARRY MURPHY
BERL E. PRIEBE
RICHARD VANDE HOEF
MARK R. HAGERLA

On the Part of the House:

DANIEL P. FOGARTY, Chair
ROBERT D. FULLER
JOEL W. BROWN
ROBERT H. RENKEN
BRADLEY C. BANKS

PRESENTATION OF VISITORS

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

Sixty eighth grade students from Van Buren Community School, Keosauqua, Iowa. Senator Fraise.

SUBCOMMITTEE ASSIGNMENT

House File 791

JUDICIARY: Varn, Chair; Mann and Drake

AMENDMENTS FILED

S—4130	H.F.	772	House amendment
S—4131	H.F.	686	House amendment
S—4132	H.F.	685	Berl Priebe
S—4133	H.F.	794	Richard Varn
S—4134	H.F.	451	House amendment
S—4135	H.F.	794	Richard Varn

AFTERNOON SESSION

The Senate reconvened at 2:05 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 5, 1989, 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 703, a bill for an act relating to the financing for the rural community 2000 program and authorizing the issuance of bonds and notes by the Iowa finance authority for the program (S—4136 to H—4436).

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 32, by Riordan, a concurrent resolution requesting an interim study relating to the development of an adequate statewide water supply.

Read first time and assigned to the committee on **Rules and Administration**.

QUORUM CALL

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

The vote revealed 46 present, 4 absent and a quorum present.

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 1989 Regular Session of the Seventy-third General Assembly and a Page group picture was presented to the following Pages by President Zimmerman:

Dana Berriman, Bill Boudewyns, Tina Crawford, Karin Disterhaupt, Keri Ferrell, Bill Jones, Tracy Kelly, Rachel Knight, Sherry Krier, Layne Martin, Tim Mohrfeld, Nikki Paustian, Kati Robb, Tina Smith, Chris Taylor, Ben Wagner and Chris Wirtjes.

President pro tempore Mann took the chair at 2:20 p.m.

CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 450)

A conference committee report signed by the following Senate and House members was filed May 5, 1989, on Senate File 450, a bill for an act relating to educational standards, including flexible scheduling within a school year, waivers of student participation in physical education if the school has flexible scheduling and the student is participating on an athletic team, and making technical changes:

On the Part of the Senate:

WALLY HORN, Chair
JOY CORNING
JOHN P. KIBBIE
LARRY MURPHY
RAY TAYLOR

On the Part of the House:

WILLIAM BRAND, Chair
DENNIS COHOON
ROBERT L. KISTLER
TOM MILLER
ARTHUR OLLIE

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 450

Senator Horn called up the conference committee report on Senate File 450, a bill for an act relating to educational standards, including flexible scheduling within a school year, waivers of student participation in physical education if the school has flexible scheduling and the student is participating on an athletic team, and making technical changes, filed on May 5, 1989, and moved its adoption.

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

Senator Horn 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. 450) the vote was:

Ayes, 50:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Hultman	Husak	Hutchins	Jensen
Kibbie	Kinley	Lind	Lloyd-Jones
Mann	Miller	Murphy	Nystrom
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Running
Scott	Soorholtz	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

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 **Senate File 450** be **immediately messaged** to the House.

UNFINISHED BUSINESS

(Deferred April 11, 1989)

House File 556

The Senate resumed consideration of House File 556, a bill for an act relating to increasing the penalty and providing for attorney fees for failure to acknowledge satisfaction of a mortgage within thirty days, deferred April 11, 1989.

Senator Varn offered amendment S—4123 filed by him on May 4, 1989, to page 1 of the bill and moved its adoption.

Amendment S—4123 was adopted by a voice vote.

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?” (H.F. 556) the vote was:

Ayes, 50:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Hultman	Husak	Hutchins	Jensen
Kibbie	Kinley	Lind	Lloyd-Jones
Mann	Miller	Murphy	Nystrom
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Running
Scott	Soorholtz	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

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

UNFINISHED BUSINESS

(Deferred April 12, 1989)

House File 644

The Senate resumed consideration of House File 644, a bill for an act relating to institutions, programs, and funds for which the college aid commission acts as a guaranteeing agency, deferred April 12, 1989.

Senator Varn offered amendment S—3597 filed by the committee on Education on April 7, 1989, to pages 1 through 7 of the bill.

Senator Varn offered amendment S—3975 filed by him on April 27, 1989, to pages 1, 4 and 10 of amendment S—3597 and moved its adoption.

Amendment S—3975 was adopted by a voice vote.

With the adoption of amendment S—3975 to amendment S—3597, the Chair ruled amendment S—3951 filed by Senator Varn on April 26, 1989, to pages 1, 4 and 10 of amendment S—3597, out of order.

Senator Varn moved the adoption of amendment S—3597 as amended, which motion prevailed by a voice vote.

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?” (H.F. 644) the vote was:

Ayes, 48:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hagerla
Hedge	Hester	Horn	Hultman
Husak	Hutchins	Jensen	Kibbie
Kinley	Lind	Lloyd-Jones	Miller
Murphy	Nystrom	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Running	Scott	Soorholtz
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, 2:

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

SENATE INSISTS

Senate File 470

Senator Miller called up for consideration Senate File 470, a bill for an act relating to waste minimization and disposal, 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 470** on the part of the Senate: Senators Deluhery, Chair; Miller, Kibbie, Pate and Soorholtz.

SENATE INSISTS

Senate File 419

Senator Varn called up for consideration Senate File 419, a bill for an act relating to energy efficiency and providing effective dates, 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 419** on the part of the Senate: Senators Varn, Chair; Deluhery, Miller, Rife and Soorholtz.

CONSIDERATION OF BILL (Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House File 790.

House File 790

On motion of Senator Gronstal, House File 790, a bill for an act relating to the voluntary certification of real estate appraisers, real estate appraisal standards, and providing for penalties, 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. 790) the vote was:

Ayes, 46:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gettings
Goodwin	Gronstal	Hagerla	Hedge
Hester	Horn	Husak	Hutchins
Jensen	Kibbie	Kinley	Lind
Lloyd-Jones	Mann	Miller	Murphy
Nystrom	Palmer	Pate	Priebe
Rensink	Rife	Riordan	Running
Scott	Soorholtz	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, 2:

Gentleman	Peterson
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Voting present, 1:

Hultman

Absent or not voting, 1:

Hannon

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

President Zimmerman took the chair at 2:56 p.m.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **House Files 556, 644 and 790** and **Senate Files 470 and 419** be immediately messaged to the House.

BUSINESS PENDING

Senate File 220

The Senate resumed consideration of Senate File 220, a bill for an act relating to the unclaimed winnings from and the taxes imposed on pari-mutuel wagering at racetracks in the state and providing applicability and effective dates, and House amendment S—4127, previously deferred.

Senator Kinley offered amendment S—4140 filed by him from the floor to House amendment S—4127 and moved its adoption.

Amendment S—4140 was adopted by a voice vote.

Senator Hultman offered amendment S—4139 filed by him from the floor to House amendment S—4127 and moved its adoption.

A non record roll call was requested.

The ayes were 32, nays 4.

Amendment S—4139 was adopted.

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

Senator Murphy 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. 220) the vote was:

Ayes, 40:

Boswell	Carr	Coleman	Corning
Deluhery	Doyle	Fraise	Gentleman
Gettings	Goodwin	Hagerla	Hannon
Hester	Horn	Hultman	Husak
Hutchins	Jensen	Kibbie	Kinley
Lind	Mann	Miller	Murphy
Nystrom	Palmer	Pate	Peterson
Priebe	Rife	Riordan	Running
Soorholtz	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Varn	Welsh

Nays, 10:

Bruner	Dieleman	Drake	Fuhrman
Gronstal	Hedge	Lloyd-Jones	Rensink
Scott	Vande Hoef		

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 **Senate File 220** be **immediately messaged** to the House.

UNFINISHED BUSINESS (Deferred May 4, 1989)

House File 685

The Senate resumed consideration of House File 685, a bill for an act relating to the acquisition of an interest in a bank located in Iowa or a bank holding company located in Iowa owning or controlling one or more banks in Iowa by an out-of-state regional bank holding company, subject to certain procedures and conditions, subjecting a bank acquired by a regional bank holding company to community reinvestment standards and disclosures as a condition of the deposit of public funds or the approval of actions of the bank by the superintendent, and other properly related matters, and making penalties applicable and providing penalties, division S—4124C as amended and amendment S—4125, deferred May 4, 1989.

Senator Priebe offered amendment S—4132 filed by him from the floor to page 13 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—4132 be adopted?" (H.F. 685) the vote was:

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

Ayes, 28:

Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Hagerla	Hannon
Hedge	Hester	Husak	Hutchins

Jensen	Kibbie	Lloyd-Jones	Mann
Miller	Murphy	Peterson	Priebe
Rensink	Rife	Riordan	Scott
Soorholtz	Taylor	Tieden	Varn

Nays, 21:

Bruner	Carr	Coleman	Corning
Deluhery	Gentleman	Goodwin	Gronstal
Horn	Hultman	Kinley	Lind
Nystrom	Palmer	Pate	Running
Sturgeon	Szymoniak	Tinsman	Vande Hoef
Welsh			

Absent or not voting, 1:

Boswell

Amendment S—4132 was adopted.

The Senate resumed consideration of amendment S—4125 by Senator Bruner to page 14 of the bill, deferred May 4, 1989.

Senator Peterson offered amendment S—4128 filed by Senators Peterson and Bruner on May 4, 1989, to amendment S—4125 and moved its adoption.

Amendment S—4128 was adopted by a voice vote.

Senator Bruner moved the adoption of amendment S—4125 as amended.

A non record roll call was requested.

The ayes were 25, nays 23.

Amendment S—4125 was adopted.

Senator Rife asked and received unanimous consent that action on amendment S—4146 filed by him from the floor to pages 20 and 21 of the bill be deferred.

The Senate resumed consideration of division S—4124C as amended by Senators Riordan, Deluhery and Gronstal to pages 19 through 21 of the bill, deferred May 4, 1989.

Senator Rife offered amendment S—4145 filed by Senators Rife, et al., from the floor to division S—4124C, moved its adoption and requested a record roll call.

On the question “Shall amendment S—4145 to division S—4124C be adopted?” (H.F. 685) the vote was:

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

Ayes, 23:

Dieleman	Doyle	Drake	Fraise
Hagerla	Hannon	Hedge	Hester
Husak	Hutchins	Jensen	Lloyd-Jones
Miller	Murphy	Peterson	Priebe
Rensink	Rife	Scott	Soorholtz
Taylor	Tieden	Varn	

Nays, 26:

Bruner	Carr	Coleman	Corning
Deluhery	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Horn	Hultman
Kibbie	Kinley	Lind	Mann
Nystrom	Palmer	Pate	Riordan
Running	Sturgeon	Szymoniak	Tinsman
Vande Hoef	Welsh		

Absent or not voting, 1:

Boswell

Amendment S—4145 lost.

Senator Riordan moved the adoption of division S—4124C as amended.

A non record roll call was requested.

The ayes were 29, nays 20.

Division S—4124C was adopted.

With the adoption of division S—4124C as amended, the Chair ruled amendment S—4146 by Senator Rife to pages 20 and 21 of the bill, previously deferred, out of order.

Senator Dieleman 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—4125 as amended to House File 685 was adopted by the Senate on May 5, 1989.

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 24.

The motion prevailed and amendment S—4125 by Senator Bruner to page 14 of the bill, was taken up for reconsideration.

Senator Bruner moved the adoption of amendment S—4125 as amended.

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 25, nays 25.

The Chair voted “aye” to break the tie and amendment S—4125 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. 685) the vote was:

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

Ayes, 27:

Bruner	Carr	Coleman	Corning
Deluhery	Dieleman	Gentleman	Gettings
Goodwin	Gronstal	Horn	Hultman
Kibbie	Kinley	Lind	Mann
Nystrom	Palmer	Pate	Rife
Riordan	Running	Sturgeon	Szymoniak
Tinsman	Vande Hoef	Welsh	

Nays, 23:

Boswell	Doyle	Drake	Fraise
Fuhrman	Hagerla	Hannon	Hedge
Hester	Husak	Hutchins	Jensen
Lloyd-Jones	Miller	Murphy	Peterson
Priebe	Rensink	Scott	Soorholtz
Taylor	Tieden	Varn	

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

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, 1989, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bills in which the concurrence of the Senate is asked:

House File 140, a bill for an act relating to the linked deposit program and providing an effective date (S—4142 to H—4444).

House File 740, a bill for an act relating to obscenity law, providing penalties, and making penalties applicable (S—4144 to H—4132).

ALSO: That the House has on May 5, 1989, passed the following bill in which the concurrence of the Senate is asked:

House File 795, a bill for an act relating to drought assistance, making appropriations, and providing effective dates.

This bill was read first time and assigned to the committee on **Appropriations**.

ALSO: That the members of the conference committee, appointed May 5, 1989, on **House File 271**, a bill for an act providing for the repeal of a local option sales and services tax and providing an effective date, on the part of the House, are: The Representative from Lee, Mr. Wise, Chair; the Representative from Dubuque, Mr. Connolly, the Representative from Polk, Mrs. Metcalf, the Representative from Story, Mr. Rosenberg, and the Representative from Scott, Mr. Schneklath.

ALSO: That the House has, on May 5, 1989, adopted the conference committee report and passed **House File 728**, a bill for an act relating to official publications by amending rates for county publication of board proceedings, by reducing the specific information required in county care facility inventory publications, by permitting division of the delinquent tax list for publication, by establishing a minimum type size, by reducing publication fees when publication is not timely made, and by eliminating the requirement for publication of notice of textbook purchase.

ALSO: That the members of the **second conference committee**, appointed May 5, 1989, on **House File 779**, a bill for an act relating to and making appropriations, subject to certain conditions, to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the office of the state public defender, the department of inspections and appeals, the department of commerce, and the racing commission, among others, and effecting the laws enforced by and procedures utilized by such regulatory bodies, determining the ownership and control of certain property in the possession of the office of the state public defender, and imposing penalties, on the part of the House, are: The Representative from Polk, Mr. Bisignano, Chair; the Representative from Johnson, Mrs. Doderer, the Representative from Dubuque, Mr. Jochum, the Representative from Story, Mrs. Garman, and the Representative from Linn, Mrs. Lundby.

ALSO: That the House has on May 5, 1989, **refused to concur** in the Senate amendment to the following bill in which the concurrence of the House was asked:

House File 250, a bill for an act relating to violations of an individual's civil rights, by prohibiting interference with the contractual or business relations of another citizen, by prohibiting acts of assault and criminal mischief, providing victims actionable civil relief against offenders, establishing a program to monitor civil rights violations, and providing a penalty.

ALSO: That the House has, on May 5, 1989, **insisted on** its amendment to **Senate File 539**, a bill for an act relating to the taxation of certain pensions, annuities, and retirement allowances received for purposes of the state individual income tax and providing a retroactive applicability date, on the part of the House, are: The Representative from Jackson, Mr. Tabor, Chair; the Representative from Johnson, Mrs. Doderer, the Representative from Polk, Mr. Bisignano, the Representative from Black Hawk, Mr. Diemer, and the Representative from Scott, Mr. Schnekloth.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 33, by Gentleman, Szymoniak, Palmer, Kinley and Mann, a concurrent resolution to urge the State Department of Transportation to continue studying the

advisability of expanding the number of lanes of Interstate 235 in Polk County.

Read first time and assigned to the committee on **Transportation**.

INTRODUCTION OF BILL

Senate File 546, by committee on Appropriations, a bill for an act relating to budgetary matters by creating a legislative capital projects committee to review proposed capital projects and requires the governor to establish criteria for evaluating and funding the projects; increasing the size of the state revenue estimating council and the use of its estimates; establishing a coordinated leasing program; requiring notification to the department of management and appropriations committees of any request for or loss of federal or nonstate funds; repealing the authorization for intradepartmental transfers of appropriated funds; and extending the lottery.

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

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 539** on the part of the Senate: Senators Dieleman, Chair; Palmer, Bruner, Nystrom and Drake.

CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 524)

A conference committee report signed by the following Senate and House members was filed May 5, 1989, on Senate File 524, a bill for an act relating to funding available for roads including appropriations of moneys to the affected jurisdictions:

On the Part of the Senate:

DON GETTINGS, Chair
C. JOSEPH COLEMAN
RICHARD F. DRAKE
JOHN W. JENSEN
ELAINE SZYMONIAK

On the Part of the House:

MIKE CONNOLLY, Chair
KENNETH R. DE GROOT
DEO A. KOENIGS
LOUIS J. MUHLBAUER
GREGORY A. SPENNER

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 524

Senator Gettings called up the conference committee report on Senate File 524, a bill for an act relating to funding available for roads including appropriations of moneys to the affected jurisdictions, filed May 5, 1989, and moved its adoption.

A record roll call was requested.

On the question "Shall the conference committee report be adopted?" (S.F. 524) the vote was:

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

Ayes, 35:

Bruner	Carr	Coleman	Corning
Deluhery	Dieleman	Drake	Fuhrman
Gentleman	Gettings	Goodwin	Gronstal
Hagerla	Horn	Hultman	Hutchins
Jensen	Kibbie	Kinley	Lind
Lloyd-Jones	Mann	Miller	Murphy
Nystrom	Palmer	Pate	Riordan
Running	Sturgeon	Szymoniak	Tinsman
Vande Hoef	Varn	Welsh	

Nays, 14:

Boswell	Doyle	Fraise	Hannon
Hedge	Hester	Husak	Peterson
Priebe	Rensink	Rife	Scott
Soorholtz	Tieden		

Absent or not voting, 1:

Taylor

The motion prevailed and the conference committee 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. 524) the vote was:

Ayes, 33:

Bruner	Carr	Corning	Deluhery
Dieleman	Drake	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hagerla
Horn	Hultman	Hutchins	Jensen
Kibbie	Kinley	Lind	Lloyd-Jones
Mann	Miller	Murphy	Nystrom
Palmer	Pate	Riordan	Running
Sturgeon	Szymoniak	Tinsman	Varn
Welsh			

Nays, 15:

Boswell	Coleman	Doyle	Fraise
Hannon	Hedge	Hester	Husak
Peterson	Priebe	Rensink	Rife
Scott	Soorholtz	Tieden	

Absent or not voting, 2:

Taylor	Vande Hoef
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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 **Senate File 524** be **immediately messaged** to the House.

CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 531)

A conference committee report signed by the following Senate and House members was filed May 5, 1989, on Senate File 531, 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 and use of moneys from the road use tax fund, state aviation fund, and abstract fee fund, providing for an exemption from reversion for certain funds, extending the effective period of the temporary authority for the operation of certain commercial vehicles, mandating reports of certain agency purchases, requiring the state and its political subdivisions, under certain circumstances, to pay

compensation to owners of off-premises advertising devices, and providing effective dates and retroactive application:

On the Part of the Senate:

DON GETTINGS, Chair
EMIL J. HUSAK
JIM LIND
JACK NYSTROM
JOE WELSH

On the Part of the House:

DEO KOENIGS, Chair
JACK BEAMAN
DENNIS COHOON
MIKE CONNOLLY
DON SHONING

CONFERENCE COMMITTEE REPORT ADOPTED

Senator Gettings called up the conference committee report on Senate File 531, 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 and use of moneys from the road use tax fund, state aviation fund, and abstract fee fund, providing for an exemption from reversion for certain funds, extending the effective period of the temporary authority for the operation of certain commercial vehicles, mandating reports of certain agency purchases, requiring the state and its political subdivisions, under certain circumstances, to pay compensation to owners of off-premises advertising devices, and providing effective dates and retroactive application, filed May 5, 1989, and moved its adoption.

The motion prevailed by a voice vote and the conference committee 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. 531) the vote was:

Ayes, 44:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gettings
Goodwin	Gronstal	Hagerla	Hedge
Hester	Horn	Hultman	Husak
Hutchins	Jensen	Kibbie	Kinley

Lind	Lloyd-Jones	Mann	Miller
Murphy	Nystrom	Palmer	Pate
Priebe	Rensink	Riordan	Running
Scott	Soorholtz	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, 5:

Gentleman	Hannon	Peterson	Sturgeon
Szymoniak			

Absent or not voting, 1:

Rife

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 531** be **immediately messaged** to the House.

Senator Hutchins asked and received unanimous consent to send an **immediate message** to the House on **Senate File 539**.

MOTION TO RECONSIDER LOST

House File 685

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

MADAM PRESIDENT: I move to reconsider the vote by which House File 685 passed the Senate on May 5, 1989,

On the question "Shall the motion to reconsider be adopted?" (H.F. 685) the vote was:

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

Ayes, 18:

Boswell	Doyle	Fraise	Hagerla
Hannon	Hedge	Hester	Husak
Hutchins	Jensen	Peterson	Rensink
Rife	Scott	Soorholtz	Taylor
Varn	Welsh		

Nays, 30:

Carr	Coleman	Corning	Deluhery
Dieleman	Drake	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Horn
Hultman	Kibbie	Kinley	Lind
Lloyd-Jones	Mann	Miller	Murphy
Nystrom	Palmer	Pate	Riordan
Running	Sturgeon	Szymoniak	Tieden
Tinsman	Vande Hoef		

Absent or not voting, 2:

Bruner	Priebe
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The motion lost.

The following motion to reconsider filed from the floor was out of order:

MADAM PRESIDENT: I move to reconsider the vote by which House File 685 passed the Senate on May 5, 1989.

JACK RIFE

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **House File 685** be **immediately messaged** to the House.

CONFERENCE COMMITTEE REPORT ADOPTED

House File 728

Senator Miller called up the conference committee report on House File 728, a bill for an act relating to official publications by amending rates for county publication of board proceedings, by reducing the specific information required in county care facility inventory publications, by permitting division of the

delinquent tax list for publication, by establishing a minimum type size, by reducing publication fees when publication is not timely made, and by eliminating the requirement for publication of notice of textbook purchase, filed May 5, 1989, and moved its adoption.

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

Senator Miller 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. 728) the vote was:

Ayes, 45:

Boswell	Bruner	Carr	Coleman
Deluhery	Dieleman	Doyle	Drake
Fraise	Gentleman	Gettings	Goodwin
Gronstal	Hagerla	Hannon	Hedge
Hester	Horn	Husak	Hutchins
Jensen	Kibbie	Kinley	Lind
Lloyd-Jones	Miller	Murphy	Nystrom
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Running
Scott	Soorholtz	Sturgeon	Szymoniak
Taylor	Tieden	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 5:

Corning	Fuhrman	Hultman	Mann
Tinsman			

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

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 686

Senator Kibbie called up for consideration House File 686, a

bill for an act establishing a science and technology foundation and providing an effective date, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—4131 to Senate amendment H—4310 filed May 5, 1989.

A non record roll call was requested.

The ayes were 0, nays 36.

The motion lost and the Senate **refused to concur** in the House amendment to the Senate amendment.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **House Files 728 and 686** be **immediately messaged** to the House.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 703

Senator Miller called up for consideration House File 703, a bill for an act relating to the financing for the rural community 2000 program and authorizing the issuance of bonds and notes by the Iowa finance authority for the program, amended by the Senate, further amended by the House in House amendment S—4136 to Senate amendment H—4436 filed May 5, 1989.

President pro tempore Mann took the chair at 5:51 p.m.

Senator Miller moved that the Senate concur in the House amendment to the Senate amendment, which motion prevailed by a voice vote.

Senator Miller 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. 703) the vote was:

Ayes, 48:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kibbie
Kinley	Lind	Lloyd-Jones	Mann
Miller	Nystrom	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Running	Scott	Soorholtz
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Hultman Murphy

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

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 140

Senator Hannon called up for consideration House File 140, a bill for an act relating to the linked deposit program and providing an effective date, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—4142 to Senate amendment H—4444 filed May 5, 1989.

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

Senator Hannon 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. 140) the vote was:

Ayes, 48:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kibbie
Kinley	Lind	Lloyd-Jones	Mann
Miller	Murphy	Nystrom	Palmer
Pate	Peterson	Priebe	Rensink
Riordan	Running	Scott	Soorholtz
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, 1:

Rife

Absent or not voting, 1:

Hultman

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

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 451

Senator Gronstal called up for consideration House File 451, a bill for an act relating to audits, amending provisions governing audits of governmental subdivisions and revising the powers and duties of the auditor of state with respect to such audits, providing for payment to the auditor of state for certain advisory and consultative services, providing for filing fees, providing properly related matters, and providing an effective date, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—4134 to Senate amendment H—4446 filed May 5, 1989.

A non record roll call was requested.

The ayes were 32, nays 9.

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. 451) the vote was:

Ayes, 42:

Boswell	Bruner	Coleman	Corning
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gentleman	Gettings
Goodwin	Hagerla	Hedge	Hester
Horn	Hultman	Husak	Hutchins
Jensen	Kibbie	Kinley	Lind
Lloyd-Jones	Mann	Miller	Murphy
Palmer	Pate	Priebe	Rensink
Riordan	Running	Scott	Soorholtz
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn		

Nays, 8:

Carr	Gronstal	Hannon	Nystrom
Peterson	Rife	Sturgeon	Welsh

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 Files 703, 140 and 451** be immediately messaged to the House.

BILLS REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that **House File 400** be referred from the Appropriations Calendar to the committee on **Appropriations**, and that **House File 659**

be referred from the Unfinished Business Calendar to the committee on **Education**.

COMMITTEE REPORTS

AGRICULTURE

Final Bill Action: SENATE FILE 545, a bill for an act relating to those persons eligible for relief under the Iowa competition law, providing for the Act's applicability, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Priebe, Riordan, Soorholtz, Boswell, Coleman, Fraise, Fuhrman, Hedge, Hester, Husak, Miller, Palmer, Rensink, Scott and Vande Hoef. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

APPROPRIATIONS

Final Bill Action: SENATE FILE 546, a bill for an act relating to budgetary matters by creating a legislative capital projects committee to review proposed capital projects and requires the governor to establish criteria for evaluating and funding the projects; increasing the size of the state revenue estimating council and the use of its estimates; establishing a coordinated leasing program; requiring notification to the department of management and appropriations committees of any request for or loss of federal or nonstate funds; repealing the authorization for intradepartmental transfers of appropriated funds; and extending the lottery.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Welsh, Boswell, Corning, Fraise, Gettings, Goodwin, Gronstal, Husak, Jensen, Lind, Lloyd-Jones, Peterson, Riordan, Running, Tinsman and Varn. Nays, 4: Tieden, Bruner, Pate and Rensink. Absent or not voting, 1: Sturgeon.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 785, a bill for an act relating to and making supplemental appropriations to agencies from the Iowa plan fund and providing an effective date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—4151.

Final Vote: Ayes, 19: Welsh, Boswell, Tieden, Bruner, Corning, Fraise, Gettings, Goodwin, Husak, Jensen, Lind, Lloyd-Jones, Pate, Peterson, Rensink, Riordan, Running, Tinsman and Varn. Nays, 1: Gronstal. Absent or not voting, 1: Sturgeon.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Final Bill Action: SENATE CONCURRENT RESOLUTION 33, a resolution to urge the State Department of Transportation to continue studying the advisability of expanding the number of lanes of Interstate 235 in Polk County.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Coleman, Scott, Drake, Dieleman, Gettings, Goodwin, Jensen, Lloyd-Jones and Nystrom. Nays, 1: Doyle.

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 Coleman, Senate Concurrent Resolution 33, a concurrent resolution to urge the State Department of Transportation to continue studying the advisability of expanding the number of lanes of Interstate 235 in Polk County, with report of committee recommending passage, was taken up for consideration.

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

CONSIDERATION OF BILL (Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House File 792.

House File 792

On motion of Senator Lloyd-Jones, House File 792, a bill for an act relating to transportation of hazardous materials and providing an effective date, with report of committee recommending passage, was taken up for consideration.

President Zimmerman took the chair at 6:20 p.m.

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. 792) the vote was:

Ayes, 48:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Hultman
Husak	Hutchins	Jensen	Kibbie
Kinley	Lind	Lloyd-Jones	Mann
Miller	Murphy	Nystrom	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Running	Scott
Soorholtz	Sturgeon	Szymoniak	Taylor
Tieden	Vande Hoef	Varn	Welsh

Nays, none.

Voting present, 1:

Tinsman

Absent or not voting, 1:

Fraise

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

SENATE INSISTS**House File 250**

Senator Mann called up for consideration House File 250, a

bill for an act relating to violations of an individual's civil rights, by prohibiting interference with the contractual or business relations of another citizen, by prohibiting acts of assault and criminal mischief, providing victims actionable civil relief against offenders, establishing a program to monitor civil rights violations, and providing a penalty, 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 250** on the part of the Senate: Senators Varn, Chair; Mann, Doyle, Taylor and Fuhrman.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 740

Senator Doyle called up for consideration House File 740, a bill for an act relating to obscenity law, providing penalties, and making penalties applicable, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—4144 to Senate amendment H—4132 filed May 5, 1989.

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

CONSIDERATION OF BILL (Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House File 794.

House File 794

On motion of Senator Varn, House File 794, a bill for an act establishing an autonomous board to perform the duties of the present board of educational examiners and professional practices

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

Senator Varn offered amendment S—4133 filed by him from the floor to strike everything after the enacting clause of the bill.

Senator Varn asked and received unanimous consent that action on amendment S—4133 be deferred.

Senator Taylor offered amendment S—4141 filed by him from the floor to pages 2, 4 and 13 of the bill and called for a division of the amendment: page 1, lines 3 through 8 as division S—4141A; page 1, lines 9 through 13 as division S—4141B; page 1, lines 14 through 50, page 2 and page 3, line 1 as division S—4141C.

Senator Taylor asked and received unanimous consent that action on divisions S—4141A and S—4141B be deferred.

Senator Taylor moved the adoption of division S—4141C and requested a record roll call.

On the question “Shall division S—4141C be adopted?” (H.F. 794) the vote was:

Ayes, 15:

Dieleman	Fuhrman	Gentleman	Goodwin
Hagerla	Hedge	Nystrom	Peterson
Priebe	Rensink	Rife	Scott
Taylor	Tieden	Vande Hoef	

Nays, 32:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Doyle	Drake
Fraise	Gettings	Gronstal	Hannon
Hester	Horn	Hutchins	Kibbie
Kinley	Lind	Lloyd-Jones	Mann
Miller	Murphy	Palmer	Pate
Riordan	Running	Soorholtz	Sturgeon
Szymoniak	Tinsman	Varn	Welsh

Absent or not voting, 3:

Hultman	Husak	Jensen
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Division S—4141C lost.

Senator Tieden offered amendment S—4153 filed by him from the floor to pages 3 and 7 through 10 of the bill and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—4153 be adopted?” (H.F. 794) the vote was:

Ayes, 16:

Dieleman	Fuhrman	Gentleman	Goodwin
Hagerla	Hedge	Hester	Peterson
Priebe	Rensink	Rife	Riordan
Scott	Taylor	Tieden	Vande Hoef

Nays, 32:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Doyle	Drake
Fraise	Gettings	Gronstal	Hannon
Horn	Husak	Hutchins	Kibbie
Kinley	Lind	Lloyd-Jones	Mann
Miller	Murphy	Nystrom	Palmer
Pate	Running	Soorholtz	Sturgeon
Szymoniak	Tinsman	Varn	Welsh

Absent or not voting, 2:

Hultman	Jensen
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Amendment S—4153 lost.

Senator Taylor offered amendment S—4147 filed by him from the floor to page 24 of the bill.

Senator Taylor asked and received unanimous consent that action on amendment S—4147 be deferred.

Senator Hutchins asked and received unanimous consent that action on **House File 794** be **deferred**.

HOUSE AMENDMENT CONSIDERED

Senate File 472

Senator Dieleman called up for consideration Senate File 472, a bill for an act relating to private and home education and

providing a penalty, amended by the House in House amendment S—3752 filed April 18, 1989.

Senator Murphy asked and received unanimous consent that action on amendment S—3810 filed by him on April 19, 1989, to House amendment S—3752 be deferred.

Senator Dieleman asked and received unanimous consent that action on amendment S—3949 filed by him on April 26, 1989, to House amendment S—3752 be deferred.

Senator Dieleman offered amendment S—4143 filed by Senators Dieleman and Murphy from the floor to House amendment S—3752 and moved its adoption.

Amendment S—4143 was adopted by a voice vote.

Senator Murphy withdrew amendment S—3810 to House amendment S—3752, previously deferred.

Senator Dieleman withdrew amendment S—3949 to House amendment S—3752, previously deferred.

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

Senator Dieleman 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. 472) the vote was:

Ayes, 45:

Boswell	Bruner	Coleman	Corning
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Hedge	Hester
Horn	Hultman	Husak	Hutchins
Kibbie	Kinley	Lind	Lloyd-Jones
Mann	Miller	Murphy	Nystrom
Palmer	Pate	Peterson	Priebe
Rensink	Riordan	Running	Scott
Soorholtz	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, 4:

Carr

Hagerla

Hannon

Rife

Absent or not voting, 1:

Jensen

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 **Senate File 472 be immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 149

Senator Deluhery called up for consideration Senate File 149, a bill for an act relating to the compulsory attendance and truancy laws and providing penalties, amended by the House in House amendment S—3750 filed April 18, 1989.

Senator Deluhery offered amendment S—3894 filed by Senators Deluhery and Murphy on April 25, 1989, to House amendment S—3750.

Senator Murphy offered amendment S—4138 filed by him from the floor to amendment S—3894 to House amendment S—3750 and moved its adoption.

Amendment S—4138 lost by a voice vote.

Senator Dieleman called for a division of amendment S—3894 to House amendment S—3750: page 1, lines 4 through 38 and 46 through 50, page 2, lines 1 through 10 as division S—3894A; page 1, lines 39 through 45 as division S—3894B.

Senator Deluhery moved adoption of division S—3894A to House amendment S—3750, which motion prevailed by a voice vote.

Senator Dieleman asked and received unanimous consent that action on division S—3894B to House amendment S—3750 be deferred.

Senator Dieleman offered amendment S—4025 filed by him on May 1, 1989, to House amendment S—3750, moved its adoption, and requested a record roll call.

On the question “Shall amendment S—4025 to House amendment S—3750 be adopted?” (S.F. 149) the vote was:

Ayes, 19:

Boswell	Coleman	Dieleman	Drake
Fuhrman	Gentleman	Goodwin	Hagerla
Hedge	Husak	Lind	Nystrom
Pate	Peterson	Rensink	Scott
Taylor	Tieden	Vande Hoef	

Nays, 27:

Bruner	Carr	Corning	Deluhery
Doyle	Fraise	Gettings	Gronstal
Hannon	Hester	Horn	Hutchins
Kibbie	Kinley	Lloyd-Jones	Mann
Miller	Murphy	Palmer	Priebe
Riordan	Running	Sturgeon	Szymoniak
Tinsman	Varn	Welsh	

Absent or not voting, 4:

Hultman	Jensen	Rife	Soorholtz
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Amendment S—4025 lost.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate Concurrent Resolution 33** and **House Files 792, 250, and 740** be **immediately messaged** to the House.

BUSINESS PENDING

Senate File 149

The Senate resumed consideration of Senate File 149.

Senator Deluhery moved the adoption of division S—3894B to House amendment S—3750, previously deferred, which motion prevailed by a voice vote.

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

Senator Deluhery 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. 149) the vote was:

Ayes, 31:

Bruner	Carr	Coleman	Corning
Deluhery	Doyle	Drake	Fuhrman
Gentleman	Gettings	Gronstal	Hannon
Hester	Horn	Hutchins	Kibbie
Lind	Lloyd-Jones	Mann	Miller
Murphy	Pate	Peterson	Riordan
Running	Sturgeon	Szymoniak	Taylor
Tinsman	Varn	Welsh	

Nays, 16:

Boswell	Dieleman	Fraise	Goodwin
Hagerla	Hedge	Hultman	Husak
Kinley	Nystrom	Palmer	Priebe
Rensink	Scott	Tieden	Vande Hoef

Absent or not voting, 3:

Jensen	Rife	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

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, 1989, 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 753, a bill for an act relating to the establishment of a waste volume reduction and recycling network, prohibiting the disposal of certain products at sanitary landfills, promoting the use of certain recyclable products and certain recycling or reprocessing equipment, prohibiting the use of certain other products, requiring city or county solid waste management programs and plans, establishing fees and taxes, providing for appropriation and expenditure of the fee receipts and certain other moneys, providing penalties, providing an effective date, and providing for other properly related matters.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

House File 753

Senator Deluhery called up for consideration House File 753, a bill for an act relating to the establishment of a waste volume reduction and recycling network, prohibiting the disposal of certain products at sanitary landfills, promoting the use of certain recyclable products and certain recycling or reprocessing equipment, prohibiting the use of certain other products, requiring city or county solid waste management programs and plans, establishing fees and taxes, providing for appropriation and expenditure of the fee receipts and certain other moneys, providing penalties, providing an effective date, and providing for other properly related matters, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—4156 to Senate amendment H—4438 filed May 5, 1989.

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

Senator Deluhery 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. 753) the vote was:

Ayes, 41:

Boswell	Bruner	Carr	Corning
Deluhery	Dieleman	Doyle	Fraise
Fuhrman	Gentleman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Kibbie
Kinley	Lind	Lloyd-Jones	Mann
Miller	Murphy	Nystrom	Palmer
Pate	Peterson	Priebe	Riordan
Running	Scott	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Varn
Welsh			

Nays, 4:

Drake	Hultman	Rensink	Vande Hoef
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Absent or not voting, 5:

Coleman	Goodwin	Jensen	Rife
Soorholtz			

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 753** be **immediately messaged** to the House.

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, 1989, on **Senate File 419**, a bill for an act relating to energy efficiency and providing effective dates, on the part of the House, are: The Representative from Story, Mr. Rosenberg, Chair; the Representative from Hamilton, Mrs. Adams, the Representative from Linn, Mr. Osterberg, the Representative from Jones, Mr. McKean, and the Representative from Linn, Mr. Corbett.

ALSO: That the members of the conference committee, appointed May 5, 1989, on **Senate File 470**, a bill for an act relating to waste minimization and disposal, on the part of the House are: The Representative from Story, Mr. Rosenberg, Chair; the Representative from Marion, Mr. Schrader, the Representative from Linn, Mr. Osterberg, the Representative from Pottawattamie, Mr. Siegrist, and the Representative from Cass, Mr. Pellett.

ALSO: That the House has on May 5, 1989, passed the following bill in which the concurrence of the Senate is asked:

House File 799, a bill for an act relating to and making appropriations to the department of human services, state board of regents, department of cultural affairs, state department of transportation, department of personnel, and Iowa finance authority.

This bill was read first time and assigned to the committee on **Appropriations**.

ALSO: That the House has on May 5, 1989, adopted the following resolutions in which the concurrence of the Senate is asked:

House Concurrent Resolution 10, a resolution to urge and petition the congress of the United States, the president of the United States, the federal trade commission, the packers and stockyards administration of the United States department of agriculture, and the attorney general of the United States to take initiatives to prevent the monopolization of the meat packing industry.

This resolution was read first time and assigned to the committee on **State Government**.

House Concurrent Resolution 21, a concurrent resolution to honor the late Honorable Herschel C. Loveless, former Governor of the State of Iowa.

This resolution was read first time and assigned to the committee on **Rules and Administration**.

ALSO: That the House has on May 5, 1989, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 556, a bill for an act relating to increasing the penalty and providing for attorney fees for failure to acknowledge satisfaction of a mortgage within thirty days.

ALSO: That the House has on May 5, 1989, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 536, a bill for an act relating to the compensation and benefits for public officials by specifying salary rates and ranges and related matters generally relating to the compensation of public officials and employees and providing an effective date (S—4159).

ALSO: That the House has on May 5, 1989, **insisted on** its amendment to **House File 686**, a bill for an act establishing a science and technology foundation, and the members of the **conference committee**, on the part of the House, are: The Representative from Marshall, Mr. Scharz, Chair; the Representative from Jasper, Mr. Jesse, the Representative from Polk, Mr. Hatch, the Representative from Ida, Mr. Bennett, and the Representative from Polk, Mrs. Metcalf.

ALSO: That the House has on May 5, 1989, **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 220, a bill for an act relating to the unclaimed winnings from and the taxes imposed on pari-mutuel wagering at racetracks in the state and providing applicability and effective dates.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 686** on the part of the Senate: Senators Kibbie, Chair; Boswell, Running, Hagerla and Fuhrman.

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, 1989, **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 472, a bill for an act relating to private and home education and providing a penalty.

ALSO: That the House has, on May 5, 1989, **insisted on** its amendment to **House File 740**, a bill for an act relating to obscenity law, providing penalties, and making penalties applicable, on the part of the House, are: The Representative from Appanoose, Mr. Jay, Chair; the Representative from Woodbury, Mr. Hansen, the Representative from Wapello, Mr. Poncy, the Representative from Pottawattamie, Mr. Siegrist, and the Representative from Mills, Mr. Harbor.

ALSO: That the members of the conference committee, appointed May 5, 1989, on **House File 250**, a bill for an act relating to violations of an individual's civil rights, by prohibiting interference with the contractual or business relations of another citizen, by prohibiting acts of assault and criminal mischief, providing victims actionable civil relief against offenders, establishing a program to monitor civil rights violations, and providing a penalty, on the part of the House, are: The Representative from Dubuque, Mr. Jochum, Chair; the Representative from Story, Mr. Rosenberg, the Representative from Linn, Mr. Brammer, the Representative from Mills, Mr. Harbor, and the Representative from Woodbury, Mr. Shoning.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 740** on the part of the Senate: Senators Doyle, Chair; Mann, Fraise, Taylor and Gentleman.

Senator Murphy asked and received unanimous consent that **House File 740** be **immediately messaged** to the House.

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 5th day of May, 1989:

Senate Files 86, 111, 170, 224, 278, 391, 407, 449, 508 and 521.

JOHN F. DWYER
Secretary of the Senate

PRESENTATION OF VISITORS

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

Twelve seventh grade students from St. Mary's Regional School, Panama, Iowa, accompanied by Gay Burgod. Senator Hutchins.

EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on the following days. Had I been present, I would have voted as follows:

April 25: H.F. 660, "aye".

April 26: Amendment S—3830 to amendment S—3634 to H.F. 250, "nay"; H.F. 447, "aye"; amendment S—3929 to S.F. 537, "aye"; amendment S—3931 to S.F. 537, "nay"; amendment S—3933B to S.F. 537, "aye"; amendment S—3933A to S.F. 537, "aye"; S.F. 537, "nay"; S.F. 538, "aye"; amendment S—3940 to S.F. 541, "aye"; S.F. 541, "aye".

May 3: S.F. 519, "aye".

JOY CORNING

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: HOUSE FILE 789, a bill for an act relating to or making appropriations from the petroleum overcharge funds for purposes related to energy conservation.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—4152.

Final Vote: Ayes, 20: Welsh, Boswell, Tieden, Bruner, Corning, Fraise, Gettings, Goodwin, Gronstal, Husak, Jensen, Lind, Lloyd-Jones, Pate, Peterson, Rensink, Riordan, Running, Tinsman and Varn. Nays, none. Absent or not voting, 1: Sturgeon.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 795, a bill for an act relating to drought assistance, making appropriations, and providing effective dates.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—4164.

Final Vote: Ayes, 20: Welsh, Boswell, Tieden, Bruner, Corning, Fraise, Gettings, Goodwin, Gronstal, Husak, Lind, Lloyd-Jones, Pate, Peterson, Rensink, Riordan, Running, Sturgeon, Tinsman and Varn. Nays, none. Absent or not voting, 1: Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 799, a bill for an act relating to and making appropriations to the department of human services, state board of regents, department of cultural affairs, state department of transportation, department of personnel, and Iowa finance authority.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—4163.

Final Vote: Ayes, 20: Welsh, Boswell, Tieden, Bruner, Corning, Fraise, Gettings, Goodwin, Gronstal, Husak, Lind, Lloyd-Jones, Pate, Peterson, Rensink, Riordan, Running, Sturgeon, Tinsman and Varn. Nays, none. Absent or not voting, 1: Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 547, a bill for an act making an appropriation from the general fund of the state to a certain person in settlement of claims made against the state.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 20: Welsh, Boswell, Tieden, Bruner, Corning, Fraise, Gettings, Goodwin, Gronstal, Husak, Lind, Lloyd-Jones, Pate, Peterson, Rensink, Riordan, Running, Sturgeon, Tinsman and Varn. Nays, none. Absent or not voting, 1: Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: HOUSE FILE 791, a bill for an act relating to the decertification of a magistrate prior to commencement of the magistrate's term and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Doyle, Mann, Gentleman, Carr, Coleman, Deluhery, Drake, Fuhrman, Gronstal, Hagerla, Hester, Horn, Taylor, Varn and Welsh. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

INTRODUCTION OF BILL

Senate File 547, by committee on Appropriations, a bill for an act making an appropriation from the general fund of the state to a certain person in settlement of claims made against the state.

Read first time under rule 28 and placed on **Appropriations Calendar**.

CONFERENCE COMMITTEE REPORTS RECEIVED

A conference committee report signed by the following Senate and House members was filed May 5, 1989, on **Senate File 419**, a bill for an act relating to energy efficiency and providing effective dates:

On the Part of the Senate:

RICHARD VARN, Chair
PATRICK DELUHERY
ALVIN MILLER

On the Part of the House:

RALPH ROSENBERG, Chair
JANET ADAMS
RON CORBETT

JACK RIFE
JOHN SOORHOLTZ

ANDREW J. McKEAN
DAVID OSTERBERG

A conference committee report signed by the following Senate and House members was filed May 5, 1989, on **Senate File 470**, a bill for an act relating to waste minimization and disposal:

On the Part of the Senate:

PATRICK DELUHERY, Chair
JOHN P. KIBBIE
ALVIN V. MILLER
PAUL PATE
JOHN SOORHOLTZ

On the Part of the House:

RALPH ROSENBERG, Chair
DAVID OSTERBERG
WENDELL C. PELLETT
DAVID SCHRADER
J. BRENT SIEGRIST

SUBCOMMITTEE ASSIGNMENT

Senate Concurrent Resolution 33

TRANSPORTATION: Coleman, Chair; Jensen and Scott

MOTIONS TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 149 passed the Senate on May 5, 1989.

LARRY MURPHY

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 149 passed the Senate on May 5, 1989.

RAY TAYLOR

AMENDMENTS FILED

S-4136	H.F.	703	House amendment
S-4137	H.F.	355	Julia Gentleman
S-4138	S.F.	149	Larry Murphy
S-4139	S.F.	220	Calvin Hultman
S-4140	S.F.	220	George R. Kinley
S-4141	H.F.	794	Ray Taylor
S-4142	H.F.	140	House amendment
S-4143	S.F.	472	William Dieleman
			Larry Murphy

S—4144	H.F.	740	House amendment
S—4145	H.F.	685	Jack Rife Berl Priebe Emil Husak Bill Hutchins John Peterson Dale Tieden Richard Drake John Jensen Richard Varn
S—4146	H.F.	685	Jack Rife
S—4147	H.F.	794	Ray Taylor
S—4148	H.F.	600	Eugene Fraise
S—4149	H.F.	789	Jim Riordan
S—4150	S.F.	546	Richard Running Charles Bruner Jim Riordan Michael Gronstal Joe Welsh
S—4151	H.F.	785	Appropriations
S—4152	H.F.	789	Appropriations
S—4153	H.F.	794	Dale Tieden
S—4154	S.F.	546	Michael Gronstal
S—4155	H.F.	785	Charles Bruner
S—4156	H.F.	753	House amendment
S—4157	H.F.	785	Charles Bruner Jim Riordan Jim Lind
S—4158	H.F.	785	Jim Lind
S—4159	S.F.	536	House amendment
S—4160	H.F.	600	Eugene Fraise
S—4161	H.F.	795	Richard Drake Alvin Miller Leonard Boswell
S—4162	H.F.	791	Joe Welsh
S—4163	H.F.	799	Appropriations
S—4164	H.F.	795	Appropriations

ADJOURNMENT

On motion of Senator Murphy, the Senate adjourned at 9:40 p.m., until 8:00 a.m., Saturday, May 6, 1989.

JOURNAL OF THE SENATE

ONE HUNDRED EIGHTEENTH CALENDAR DAY
SEVENTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Saturday, May 6, 1989

The Senate met in regular session at 8:02 a.m., Senator Coleman presiding.

Prayer was offered by the Honorable H. Kay Hedge, member of the Senate from Mahaska County, Fremont, Iowa.

The Journal of Friday, May 5, 1989, was approved.

QUORUM CALL

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

The vote revealed 32 present, 18 absent and a quorum present.

President Zimmerman took the chair at 8:07 a.m.

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 470

Senator Miller called up the conference committee report on Senate File 470, a bill for an act relating to waste minimization and disposal, filed on May 5, 1989, 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 Miller 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. 470) the vote was:

Ayes, 34:

Boswell	Bruner	Coleman	Corning
Deluhery	Doyle	Fraise	Fuhrman
Gentleman	Gettings	Goodwin	Hagerla
Hannon	Hedge	Hester	Hultman
Husak	Hutchins	Jensen	Lloyd-Jones
Mann	Miller	Nystrom	Pate
Peterson	Priebe	Rensink	Riordan
Scott	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef		

Nays, none.

Absent or not voting, 16:

Carr	Dieleman	Drake	Gronstal
Horn	Kibbie	Kinley	Lind
Murphy	Palmer	Rife	Running
Soorholtz	Sturgeon	Varn	Welsh

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 686** and **Senate File 470** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 536

Senator Tieden called up for consideration Senate File 536, a bill for an act relating to the compensation and benefits for public officials by specifying salary rates and ranges and related matters generally relating to the compensation of public officials and employees and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S—4159 filed May 5, 1989.

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

Senator Tieden 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. 536) the vote was:

Ayes, 39:

Boswell	Bruner	Coleman	Corning
Deluhery	Doyle	Drake	Fraise
Fuhrman	Gentleman	Gettings	Goodwin
Hagerla	Hannon	Hedge	Hester
Horn	Hultman	Husak	Hutchins
Jensen	Lloyd-Jones	Mann	Miller
Nystrom	Pate	Peterson	Priebe
Rensink	Riordan	Running	Scott
Soorholtz	Szymoniak	Taylor	Tinsman
Vande Hoef	Varn	Welsh	

Nays, 1:

Tieden

Absent or not voting, 10:

Carr	Dieleman	Gronstal	Kibbie
Kinley	Lind	Murphy	Palmer
Rife	Sturgeon		

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 **Senate File 536** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate File 545.

Senate File 545

On motion of Senator Riordan, Senate File 545, a bill for an act relating to those person eligible to sue for relief under the Iowa competition law, providing for the Act's applicability, and

providing an effective date, with report of committee recommending passage, was taken up for consideration.

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. 545) the vote was:

Ayes, 32:

Boswell	Bruner	Coleman	Corning
Deluhery	Doyle	Fraise	Gettings
Gronstal	Hannon	Hester	Horn
Husak	Hutchins	Jensen	Kibbie
Lloyd-Jones	Mann	Miller	Nystrom
Peterson	Priebe	Riordan	Running
Scott	Soorholtz	Szymoniak	Taylor
Tieden	Tinsman	Varn	Welsh

Nays, 10:

Drake	Fuhrman	Gentleman	Goodwin
Hagerla	Hedge	Hultman	Pate
Rensink	Vande Hoef		

Absent or not voting, 8:

Carr	Dieleman	Kinley	Lind
Murphy	Palmer	Rife	Sturgeon

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 House File 791.

House File 791

On motion of Senator Varn, House File 791, a bill for an act relating to the decertification of a magistrate prior to commencement of the magistrate's term and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Welsh offered amendment S—4162 filed by him on May 5, 1989, to page 1 and to the title page of the bill and moved its adoption.

Amendment S—4162 was adopted by a voice vote.

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?" (H.F. 791) the vote was:

Ayes, 47:

Boswell	Bruner	Coleman	Corning
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Hultman
Husak	Hutchins	Jensen	Kibbie
Kinley	Lloyd-Jones	Mann	Miller
Murphy	Nystrom	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Running	Scott	Soorholtz	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Carr	Lind	Palmer
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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 (Appropriations Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House File 789.

House File 789

On motion of Senator Riordan, House File 789, a bill for an act relating to or making appropriations from the petroleum overcharge funds for purposes related to energy conservation, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Riordan offered amendment S—4152 filed by the committee on Appropriations on May 5, 1989, to page 2 of the bill and moved its adoption.

Amendment S—4152 was adopted by a voice vote.

Senator Riordan offered amendment S—4149 filed by him on May 5, 1989, to page 2 of the bill and moved its adoption.

Amendment S—4149 was adopted by a voice vote.

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?” (H.F. 789) the vote was:

Ayes, 44:

Boswell	Bruner	Coleman	Corning
Deluhery	Dieleman	Doyle	Fraise
Gettings	Goodwin	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Hultman	Husak	Hutchins	Kibbie
Kinley	Lloyd-Jones	Mann	Miller
Murphy	Nystrom	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Running	Scott	Soorholtz
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, 4:

Drake	Fuhrman	Gentleman	Jensen
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Absent or not voting, 2:

Carr	Lind
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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 791

Senator Hedge withdrew the following motion to reconsider filed by him from the floor:

MADAM PRESIDENT: I move to reconsider the vote by which House File 791 passed the Senate on May 6, 1989.

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 419

Senator Varn called up the conference committee report on Senate File 419, a bill for an act relating to energy efficiency and providing effective dates, filed on May 5, 1989, 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. 419) the vote was:

Ayes, 47:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Doyle	Drake
Fraise	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Hagerla	Hannon
Hedge	Horn	Hultman	Husak
Jensen	Kibbie	Kinley	Lind
Lloyd-Jones	Mann	Miller	Murphy
Nystrom	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Running	Scott	Soorholtz	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Dieleman	Hester	Hutchins
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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 Files 791 and 789** and **Senate File 419** be **immediately messaged** to the House.

**CONSIDERATION OF BILL
(Appropriations Calendar)**

Senator Hutchins asked and received unanimous consent to take up for consideration House File 795.

House File 795

On motion of Senator Boswell, House File 795, a bill for an act relating to drought assistance, making appropriations, and providing effective dates, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Boswell offered amendment S—4164 filed by the committee on Appropriations on May 5, 1989, to page 2 of the bill and moved its adoption.

Amendment S—4164 was adopted by a voice vote.

With the adoption of amendment S—4164, the Chair ruled amendment S—4161 filed by Senators Drake, Miller and Boswell, on May 5, 1989, to page 2 of the bill, was out of order.

Senator Tieden asked and received unanimous consent that action on amendment S—4166 filed by Senators Tieden, Rensink and Priebe from the floor to page 1 of the bill be deferred.

Senator Tieden offered amendment S—4167 filed by Senators Tieden, Rensink and Priebe from the floor to page 2 and the title page of the bill and moved its adoption.

Amendment S—4167 was adopted by a voice vote.

Senator Tieden asked and received unanimous consent to withdraw amendment S—4166 to page 1 of the bill, previously deferred.

Senator Boswell 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. 795) the vote was:

Ayes, 50:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Hultman	Husak	Hutchins	Jensen
Kibbie	Kinley	Lind	Lloyd-Jones
Mann	Miller	Murphy	Nystrom
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Running
Scott	Soorholtz	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

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 795** be **immediately messaged** to the House.

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

The Senate resumed session, President Zimmerman presiding.

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

The Senate resumed session, Senator Carr 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 4, 1989, passed the following bills in which the concurrence of the House was asked:

Senate File 215, a bill for an act relating to the sales and use tax and providing an exemption from tax for certain irrigation equipment.

Senate File 291, a bill for an act relating to security interests in mobile homes by permitting the secured party to retain the mobile home title, accompanied by a fixture filing to perfect the security interest and provide notice to third parties, and by permitting secured parties, including mortgagees, to apply for reconversion of a mobile home from real property to personal property.

Senate File 522, a bill for an act relating to radon testing and abatement, and making a penalty applicable.

ALSO: That the House has on May 4, 1989, concurred in the Senate amendment to the House amendment, and passed the following bills in which the concurrence of the House was asked:

Senate File 541, a bill for an act relating to human services and making appropriations to the department of human services, other properly related matters, providing for retroactive applicability, and providing an effective date.

Senate File 519, a bill for an act relating to the chairperson of the board of parole and the board of parole.

Senate File 540, a bill for an act relating to human services statutes providing for or regarding substance abuse commitment of juveniles, psychiatric medical institutions for children, the council on human services, mentally ill juveniles, child abuse, payment for a child's expenses, the costs of a child's care in a state juvenile institution, child support recovery, and certain administrative rules, properly related matters, providing for effective dates, and providing penalties.

ALSO: That the House has on May 5, 1989, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 361, a bill for an act relating to reverse annuity and graduated payment mortgages, by providing for their regulation by the administrators of the divisions of banking, savings and loan associations, and credit unions, of the department of commerce, and imposing certain standards and restrictions (S—4170).

QUORUM CALL

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

The vote revealed 31 present, 16 absent and a quorum present.

COMMITTEE REPORT

STATE GOVERNMENT

Final Bill Action: HOUSE CONCURRENT RESOLUTION 10, a resolution to urge and petition the congress of the United States, the president of the United States, the federal trade commission, the packers and stockyards administration of the United States department of agriculture, and the attorney general of the United States to take initiatives to prevent the monopolization of the meat packing industry.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Carr, Lloyd-Jones, Nystrom, Coleman, Fraise, Gentleman, Hannon, Horn, Rife, Running, Soorholtz and Vande Hoef. Nays, none. Absent or not voting, 3: Dieleman, Drake and Gronstal.

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 House Concurrent Resolution 10.

House Concurrent Resolution 10

On motion of Senator Running, House Concurrent Resolution 10, a resolution to urge and petition the congress of the United States, the president of the United States, the federal trade commission, the packers and stockyards administration of the United States department of agriculture, and the attorney general of the United States to take initiatives to prevent the monopolization of the meat packing industry, with report of committee recommending passage, was taken up for consideration.

Senator Running moved the adoption of House Concurrent Resolution 10, which motion prevailed by a voice vote.

UNFINISHED BUSINESS
(Deferred May 4, 1989)

House File 758

The Senate resumed consideration of House File 758, a bill for an act permitting forfeiture of the penal bond when a class "E" liquor licensee violates the bootlegging law; permitting claims against penal bonds for failure or refusal to pay an alcoholic beverage control tax when due, establishing an administrative appeals process for disputed tax assessments, permitting the administrator to compromise disputed tax assessments, and permitting imposition of civil penalties on wholesalers for violations of law and administrative rules; and relating to coupons or rebates as incentives to purchase wine, and amendment S—3906 by the committee on Ways and Means to page 2 and the title page of the bill, deferred May 4, 1989.

President Zimmerman took the chair at 9:54 a.m.

Senator Fraise moved the adoption of amendment S—3906.

A record roll call was requested.

On the question "Shall amendment S—3906 be adopted?" (H.F. 758) the vote was:

Ayes, 9:

Boswell	Dieleman	Fraise	Hultman
Husak	Pate	Peterson	Rife
Taylor			

Nays, 41:

Bruner	Carr	Coleman	Corning
Deluhery	Doyle	Drake	Fuhrman
Gentleman	Gettings	Goodwin	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Hutchins	Jensen	Kibbie
Kinley	Lind	Lloyd-Jones	Mann
Miller	Murphy	Nystrom	Palmer
Priebe	Rensink	Riordan	Running
Scott	Soorholtz	Sturgeon	Szymoniak
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Amendment S—3906 lost.

Senator Mann offered amendment S—4117 filed by him on May 4, 1989, to page 1 of the bill.

Senator Fuhrman raised the point of order that amendment S—4117 was not germane to the bill.

The Chair ruled the point well taken and amendment S—4117 out of order.

Senator Welsh asked and received unanimous consent to withdraw amendment S—4105 filed by Senators Welsh, et al., on May 4, 1989, to page 2 of the bill.

Senator Fraise 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. 758) the vote was:

Ayes, 50:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Hultman	Husak	Hutchins	Jensen
Kibbie	Kinley	Lind	Lloyd-Jones
Mann	Miller	Murphy	Nystrom
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Running
Scott	Soorholtz	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

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 758** and **House Concurrent Resolution 10** be immediately messaged to the House.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate File 547.

Senate File 547

On motion of Senator Welsh, Senate File 547, a bill for an act making an appropriation from the general fund of the state to certain persons in settlement of claims made against the state, 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?" (S.F. 547) the vote was:

Ayes, 49:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Fraise	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Hultman
Husak	Hutchins	Jensen	Kibbie
Kinley	Lind	Lloyd-Jones	Mann
Miller	Murphy	Nystrom	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Running	Scott
Soorholtz	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Drake

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

COMMITTEE REPORT

ENVIRONMENT AND ENERGY UTILITIES

Final Bill Action: SENATE RESOLUTION 19, a resolution relating to the Exxon oil spill.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Deluhery, Gronstal, Pate, Carr, Hedge, Miller, Rife, Soorholtz, Sturgeon and Varn. Nays, none.

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 Resolution 19.

Senate Resolution 19

On motion of Senator Hannon, Senate Resolution 19, a resolution relating to the Exxon oil spill, with report of committee recommending passage, was taken up for consideration.

Senator Hannon moved the adoption of Senate Resolution 19, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate File 547** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED**Senate File 474**

Senator Soorholtz called up for consideration Senate File 474, a bill for an act to establish a pseudorabies control program and providing for penalties and the repeal of a chapter, amended by the House, and moved that the Senate concur in House amendment S—3748 filed April 18, 1989.

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

Senator Soorholtz 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. 474) the vote was:

Ayes, 48:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gettings
Goodwin	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Hultman
Husak	Hutchins	Jensen	Kinley
Lind	Lloyd-Jones	Mann	Miller
Murphy	Nystrom	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Running	Scott	Soorholtz
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

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

SENATE INSISTS

Senate File 472

Senator Dieleman called up for consideration Senate File 472, a bill for an act relating to private and home education and providing a penalty, 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 472** on the part of the Senate: Senators Murphy, Chair; Dieleman, Szymoniak, Taylor and Rensink.

CONSIDERATION OF BILLS (Appropriations Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House File 799 and Senate File 546.

House File 799

On motion of Senator Bruner, House File 799, a bill for an act relating to and making appropriations to the department of human services, state board of regents, department of cultural affairs, state department of transportation, department of personnel, and Iowa finance authority, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Bruner asked and received unanimous consent that action on **House File 799** be **deferred**.

Senate File 546

On motion of Senator Welsh, Senate File 546, a bill for an act relating to budgetary matters by creating a legislative capital projects committee to review proposed capital projects and requires the governor to establish criteria for evaluating and funding the projects; increasing the size of the state revenue estimating council and the use of its estimates; establishing a coordinated leasing program; requiring notification to the department of management and appropriations committees of any request for or loss of federal or nonstate funds; repealing the authorization for intradepartmental transfers of appropriated funds; and extending the lottery, was taken up for consideration.

Senator Running offered amendment S—4150 filed by Senators Running, et al., on May 5, 1989, to page 2 of the bill and moved its adoption.

Amendment S—4150 was adopted by a voice vote.

Senator Welsh offered amendment S—4154 filed by Senator Gronstal on May 5, 1989, to page 21 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 35, nays 12.

Amendment S—4154 was adopted.

Senator Welsh asked and received unanimous consent that action on **Senate File 546** be deferred.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate File 472** be immediately messaged to the House.

UNFINISHED BUSINESS

(Deferred May 5, 1989)

House File 355

The Senate resumed consideration of House File 355, a bill for an act relating to travel agents and agencies by providing for registration and regulation, and providing for fees and penalties, deferred May 5, 1989.

Senator Gentleman offered amendment S—4137 filed by her on May 5, 1989, to page 5 of the bill, moved its adoption and requested a non record roll call.

The ayes were 12, nays 33.

Amendment S—4137 lost.

Senator Running 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. 355) the vote was:

Ayes, 39:

Boswell
Deluhery

Bruner
Dieleman

Carr
Doyle

Coleman
Drake

Fraise	Fuhrman	Gettings	Goodwin
Gronstal	Hester	Horn	Hultman
Husak	Hutchins	Jensen	Kibbie
Kinley	Lloyd-Jones	Mann	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Running	Scott	Soorholtz	Sturgeon
Szymoniak	Taylor	Varn	

Nays, 10:

Corning	Gentleman	Hagerla	Hedge
Lind	Nystrom	Tieden	Tinsman
Vande Hoef	Welsh		

Absent or not voting, 1:

Hannon

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

COMMITTEE REPORTS

JUDICIARY

Final Bill Action: HOUSE FILE 782, a bill for an act relating to the revocation of a motor vehicle license or nonresident operating privilege as the result of a conviction for certain vehicular homicide offenses.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Doyle, Mann, Gentleman, Carr, Coleman, Deluhery, Drake, Fuhrman, Gronstal, Hagerla, Hester, Horn, Taylor, Varn and Welsh. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 20, a resolution relating to daily operations of the Senate.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 6: Hutchins, Gettings, Hultman, Jensen, Kinley and Lloyd-Jones. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 21, a resolution honoring former Senator Edgar H. Holden for his years of legislative service.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 6: Hutchins, Gettings, Hultman, Jensen, Kinley and Lloyd-Jones. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE CONCURRENT RESOLUTION 21, a resolution to honor the late Honorable Herschel C. Loveless, former Governor of the State of Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Hutchins, Gettings, Hultman, Jensen, Kinley and Lloyd-Jones. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 20, by committee on Rules and Administration, a resolution relating to daily operations of the Senate.

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

Senate Resolution 21, by committee on Rules and Administration, a resolution honoring former Senator Edgar H. Holden for his years of legislative service.

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

HOUSE AMENDMENT CONSIDERED

Senate File 361

Senator Gronstal called up for consideration Senate File 361, a bill for an act relating to reverse annuity and graduated payment mortgages, by providing for their regulation by the administrators of the divisions of banking, savings and loan associations, and credit

unions, of the department of commerce, and imposing certain standards and restrictions, amended by the House, and moved that the Senate concur in House amendment S—4170 filed May 6, 1989.

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

Senator Gronstal 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. 361) the vote was:

Ayes, 49:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hagerla
Hedge	Hester	Horn	Hultman
Husak	Hutchins	Jensen	Kibbie
Kinley	Lind	Lloyd-Jones	Mann
Miller	Murphy	Nystrom	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Running	Scott
Soorholtz	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Hannon

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

ADOPTION OF RESOLUTION (Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration House Concurrent Resolution 21.

House Concurrent Resolution 21

On motion of Senator Coleman, House Concurrent Resolution 21, a concurrent resolution to honor the late Honorable Herschel C. Loveless, former Governor of the State of Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Coleman moved the adoption of House Concurrent Resolution 21, which motion prevailed by a voice vote.

BUSINESS PENDING

Senate File 546

The Senate resumed consideration of Senate File 546, a bill for an act relating to budgetary matters by creating a legislative capital projects committee to review proposed capital projects and requires the governor to establish criteria for evaluating and funding the projects; increasing the size of the state revenue estimating council and the use of its estimates; establishing a coordinated leasing program; requiring notification to the department of management and appropriations committees of any request for or loss of federal or nonstate funds; repealing the authorization for intradepartmental transfers of appropriated funds; and extending the lottery, previously deferred.

Senator Varn offered amendment S—4171 filed by Senators Varn, Murphy and Welsh, from the floor to pages 3 through 5 and 21 of the bill and moved its adoption.

Amendment S—4171 was adopted by a voice vote.

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. 546) the vote was:

Ayes, 30:

Boswell	Carr	Coleman	Deluhery
Doyle	Fraise	Gettings	Gronstal
Hannon	Horn	Husak	Hutchins
Kibbie	Kinley	Lloyd-Jones	Mann

Miller	Murphy	Palmer	Peterson
Priebe	Rife	Riordan	Running
Scott	Soorholtz	Sturgeon	Szymoniak
Varn	Welsh		

Nays, 20:

Bruner	Corning	Dieleman	Drake
Fuhrman	Gentleman	Goodwin	Hagerla
Hedge	Hester	Hultman	Jensen
Lind	Nystrom	Pate	Rensink
Taylor	Tieden	Tinsman	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 **Senate Files 546, 361, House File 355 and House Concurrent Resolution 21** be **immediately messaged** to the House.

UNFINISHED BUSINESS (Deferred April 14, 1989)

House File 690

The Senate resumed consideration of House File 690, a bill for an act relating to the protection of children, by modifying provisions relating to a child in need of assistance, child abuse, termination of parental rights, religious exemptions regarding children, and providing for a procedure relating to courtroom testimony of children, deferred April 14, 1989.

Senator Gentleman offered amendment S—3588 filed by the committee on Judiciary on April 7, 1989, to pages 1, 2, 11 through 13 and to the title page of the bill.

Senator Mann asked and received unanimous consent that action on amendment S—3588 be deferred.

Senator Gentleman offered amendment S—3832 filed by her on April 19, 1989, to pages 1, 2, 4, 5, 7, 9, 10, 12 and 13 of the bill.

Senator Gentleman asked and received unanimous consent that action on amendment S—3832 and **House File 690** be **deferred**.

UNFINISHED BUSINESS
(Deferred April 14, 1989)

House File 688

The Senate resumed consideration of House File 688, a bill for an act relating to the protection of children, by providing for the grounds and procedures for child in need of assistance and termination of parental rights proceedings, deferred April 14, 1989.

Senator Mann asked and received unanimous consent that action on **House File 688** be **deferred**.

UNFINISHED BUSINESS
(Deferred May 5, 1989)

House File 794

The Senate resumed consideration of House File 794, a bill for an act establishing an autonomous board to perform the duties of the present board of educational examiners and professional practices commission, amendments S—4133 and S—4147 and divisions S—4141A and S—4141B, deferred May 5, 1989.

Senator Taylor withdrew amendment S—4147 to page 24 of the bill.

The Senate resumed consideration of amendment S—4133 by Senator Varn to strike everything after the enacting clause of the bill, deferred May 5, 1989.

Senator Varn offered amendment S—4135 filed by him on May 5, 1989, to pages 1 through 20 of amendment S—4133 and moved its adoption.

Amendment S—4135 was adopted by a voice vote.

Senator Varn moved the adoption of amendment S—4133 as amended and requested a record roll call.

On the question "Shall amendment S—4133 as amended be adopted?" (H.F. 794) the vote was:

Ayes, 27:

Bruner	Corning	Deluhery	Doyle
Gettings	Goodwin	Gronstal	Hannon
Horn	Hutchins	Kibbie	Lind
Lloyd-Jones	Mann	Miller	Murphy
Palmer	Pate	Priebe	Riordan
Running	Soorholtz	Sturgeon	Szymoniak
Tinsman	Varn	Welsh	

Nays, 20:

Coleman	Dieleman	Drake	Fraise
Fuhrman	Hagerla	Hedge	Hester
Hultman	Husak	Jensen	Kinley
Nystrom	Peterson	Rensink	Rife
Scott	Taylor	Tieden	Vande Hoef

Absent or not voting, 3:

Boswell	Carr	Gentleman
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Amendment S—4133 was adopted.

With the adoption of amendment S—4133 as amended, the Chair ruled divisions S—4141A and S—4141B by Senator Taylor to pages 2 and 4 of the bill, out of order.

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?" (H.F. 794) the vote was:

Ayes, 32:

Boswell	Bruner	Corning	Deluhery
Doyle	Drake	Gettings	Goodwin
Gronstal	Horn	Husak	Hutchins
Kibbie	Kinley	Lind	Lloyd-Jones
Mann	Miller	Murphy	Nystrom
Palmer	Pate	Peterson	Priebe
Riordan	Running	Soorholtz	Sturgeon
Szymoniak	Tinsman	Varn	Welsh

Nays, 15:

Coleman	Dieleman	Fraise	Fuhrman
Hagerla	Hedge	Hester	Hultman
Jensen	Rensink	Rife	Scott
Taylor	Tieden	Vande Hoef	

Absent or not voting, 3:

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

SENATE INSISTS

Senate File 220

Senator Murphy called up for consideration Senate File 220, a bill for an act relating to the unclaimed winnings from and the taxes imposed on pari-mutuel wagering at racetracks in the state and providing applicability and effective dates, 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 220** on the part of the Senate: Senators Murphy, Chair; Kinley, Priebe, Hultman and Lind.

UNFINISHED BUSINESS (Deferred April 11, 1989)

House File 745

The Senate resumed consideration of House File 745, a bill for an act relating to the stopping, standing, and parking of vehicles including parking for handicapped persons and providing penalties and effective dates, deferred April 11, 1989.

Senator Coleman withdrew amendment S—4012 filed by him on April 28, 1989, to pages 2, 5 and 6 of the bill.

Senator Hester withdrew amendment S—3926 filed by him on April 26, 1989, to page 3 of the bill.

Senator Coleman offered amendment S—3643 filed by him on April 11, 1989, to page 8 of the bill and moved its adoption.

Amendment S—3643 was adopted by a voice vote.

Senator Coleman offered amendment S—3798 filed by him on April 19, 1989, to page 10 of the bill and moved its adoption.

Amendment S—3798 was adopted by a voice vote.

Senator Coleman 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. 745) the vote was:

Ayes, 47:

Boswell	Bruner	Coleman	Corning
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Goodwin
Gronstal	Hagerla	Hannon	Hedge
Hester	Horn	Hultman	Husak
Hutchins	Jensen	Kibbie	Kinley
Lind	Lloyd-Jones	Mann	Miller
Murphy	Nystrom	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Running	Scott	Soorholtz
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	

Nays, 1:

Welsh

Absent or not voting, 2:

Carr Gentleman

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 220** and **House File 745** be **immediately messaged** to the House.

BILL REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that **House File 656** be referred from the Unfinished Business Calendar to the committee on **State Government**.

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 6, 1989, on **Senate File 472**, a bill for an act relating to private and home education and providing a penalty, on the part of the House, are: The Representative from Des Moines, Mr. Cohoon, Chair; the Representative from Clinton, Mr. Ollie, the Representative from Woodbury, Mr. Hansen, the Representative from Linn, Mr. Corbett, and the Representative from Adams, Mr. Daggett.

ALSO: That the House has on May 6, 1989, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 22, a resolution relating to the designation of May 29, 1989, as the "National Day of Remembrance for the Victims of the USS Iowa."

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

RECESS

On motion of Senator Hutchins, the Senate recessed at 12:29 p.m., until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:27 p.m., Senator Hultman presiding.

QUORUM CALL

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

President Zimmerman took the chair at 1:39 p.m.

The vote revealed 36 present, 14 absent and a quorum present.

BILL ASSIGNED TO COMMITTEE

President Zimmerman announced the assignment of **House Concurrent Resolution 22** to the committee on **Rules and Administration**.

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 6, 1989, on **Senate File 220**, a bill for an act relating to the unclaimed winnings from and the taxes imposed on pari-mutuel wagering at racetracks in the state and providing applicability and effective dates, on the part of the House, are: The Representative from Polk, Mr. Bisignano, Chair; the Representative from Lee, Mr. Wise, the Representative from Linn, Mr. Brammer, the Representative from Buchanan, Mr. Kremer, and the Representative from Page, Mr. Royer.

ALSO: That the House has on May 6, 1989, adopted the conference committee report and passed **House File 774** a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational and cultural programs of this state, and providing effective dates.

BUSINESS PENDING

House File 799

The Senate resumed consideration of House File 799, a bill for an act relating to and making appropriations to the department of human services, state board of regents, department of cultural affairs, state department of transportation, department of personnel, and Iowa finance authority, previously deferred.

Senator Bruner offered amendment S—4163 filed by the committee on Appropriations on May 5, 1989, to page 3 of the bill.

Senator Welsh offered amendment S—4175 filed by him from the floor to amendment S—4163 and moved its adoption.

Amendment S—4175 was adopted by a voice vote.

Senator Bruner moved the adoption of amendment S—4163 as amended, which motion prevailed by a voice vote.

With the adoption of amendment S—4163 as amended, the Chair ruled amendment S—4174 filed by Senator Hultman from the floor to page 8 of the bill, out of order.

Senator Kinley took the chair at 2:07 p.m.

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. 799) the vote was:

Ayes, 38:

Boswell	Bruner	Coleman	Corning
Deluhery	Dieleman	Doyle	Fraise
Gettings	Gronstal	Hannon	Horn
Hultman	Husak	Hutchins	Kibbie
Kinley	Lind	Lloyd-Jones	Mann
Miller	Murphy	Nystrom	Palmer
Pate	Peterson	Priebe	Rensink
Riordan	Running	Scott	Soorholtz
Sturgeon	Szymoniak	Tieden	Tinsman
Varn	Welsh		

Nays, 11:

Drake	Fuhrman	Gentleman	Goodwin
Hagerla	Hedge	Hester	Jensen
Rife	Taylor	Vande Hoef	

Absent or not voting, 1:

Carr

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 799** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House File 785.

House File 785

On motion of Senator Boswell, House File 785, a bill for an act relating to and making supplemental appropriations to agencies from the Iowa plan fund and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Boswell offered amendment S—4151 filed by the committee on Appropriations on May 5, 1989, to strike everything after the enacting clause and to the title page of the bill.

Senator Boswell offered amendment S—4177 filed by him from the floor to pages 5, 11 and 18 of amendment S—4151 and moved its adoption.

Amendment S—4177 was adopted by a voice vote.

Senator Boswell offered amendment S—4165 filed by him from the floor to pages 5, 22 and 23 of amendment S—4151 and moved its adoption.

Amendment S—4165 was adopted by a voice vote.

Senator Bruner offered amendment S—4155 filed by him on May 5, 1989, to page 11 of amendment S—4151 and moved its adoption.

Amendment S—4155 was adopted by a voice vote.

Senator Boswell offered amendment S—4178 filed by him from the floor to page 14 of amendment S—4151.

Senator Hutchins asked and received unanimous consent that action on amendment S—4178 be deferred.

Senator Lind offered amendment S—4158 filed by him on May 5, 1989, to page 17 of amendment S—4151 and moved its adoption.

Amendment S—4158 lost by a voice vote.

Senator Bruner asked and received unanimous consent to withdraw amendment S—4157 filed by Senators Bruner and Riordan on May 5, 1989, to pages 17 and 18 of amendment S—4151.

Senator Riordan offered amendment S—4173 filed by him from the floor to page 18 of amendment S—4151 and moved its adoption.

Amendment S—4173 was adopted by a voice vote.

Senator Lind offered amendment S—4172 filed by Senators Lind and Mann from the floor to page 19 of amendment S—4151 and moved its adoption.

Amendment S—4172 was adopted by a voice vote.

Senator Lind offered amendment S—4169 filed by him from the floor to page 19 of amendment S—4151 and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—4169 to amendment S—4151 be adopted?” (H.F. 785) the vote was:

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

Ayes, 20:

Corning	Fuhrman	Gentleman	Goodwin
Gronstal	Hagerla	Hester	Hultman
Jensen	Lind	Murphy	Nystrom
Pate	Peterson	Rensink	Taylor
Tieden	Tinsman	Vande Hoef	Welsh

Nays, 27:

Boswell	Bruner	Coleman	Deluhery
Dieleman	Doyle	Drake	Fraise
Gettings	Hannon	Hedge	Horn

Hutchins	Kibbie	Kinley	Lloyd-Jones
Mann	Miller	Palmer	Priebe
Riordan	Running	Scott	Soorholtz
Sturgeon	Szymoniak	Varn	

Absent or not voting, 3:

Carr	Husak	Rife
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Amendment S—4169 lost.

Senator Hultman withdrew amendment S—4168 filed by him from the floor to page 20 of amendment S—4151.

Senator Welsh offered amendment S—4176 filed by him from the floor to page 20 of amendment S—4151 and moved its adoption.

Amendment S—4176 was adopted by a voice vote.

Senator Welsh offered amendment S—4180 filed by him from the floor to pages 11 and 19 of amendment S—4151 and moved its adoption.

Amendment S—4180 was adopted by a voice vote.

Senator Boswell moved the adoption of amendment S—4178 to amendment S—4151, previously deferred, which motion prevailed by a voice vote.

Senator Hutchins asked and received unanimous consent that action on amendment S—4151 as amended and **House File 785 be deferred.**

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 538

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members appointed to resolve the differences between the Senate and the House of Representatives on Senate File 538, a bill for an act relating to medical and health care, including matters relating to the maternal and child health program; the expansion of medical assistance eligibility for certain persons; physicians' charges for services to beneficiaries of health insurance under Title XVIII of the federal Social Security Act and providing for the collection and analysis of information; health care access; the requirement of the department of human services to collect certain data relating to usage of health maintenance organization services by recipients of medical assistance; the state individual

income tax by requiring an evaluation of the medical and health insurance deduction; rural health systems delivery and rural occupational health; requiring the department of human services to adopt rules to conduct studies regarding health care providers which are reimbursed under the medical assistance program; establishing a health care cost containment task force; making appropriations to certain state agencies; and providing for other properly related matters, respectfully make the following report:

1. That the conference committee is unable to agree.

On the Part of the Senate:

CHARLES BRUNER, Chair
JOY CORNING
MAGGIE TINSMAN

On the Part of the House:

JOHNNIE HAMMOND, Chair
DOROTHY CARPENTER
TOM FEY
JOAN HESTER
TOM JOCHUM

APPOINTMENT OF SECOND CONFERENCE COMMITTEE

The Chair announced the following **second** conference committee on **Senate File 538**, on the part of the Senate: Senators Bruner, Chair; Palmer, Lloyd-Jones, Corning and Tinsman.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate File 538** be **immediately messaged** to the House.

CONFERENCE COMMITTEE REPORT RECEIVED (House File 774)

A conference committee report signed by the following Senate and House members was filed May 6, 1989, on House File 774, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational and cultural programs of this state, and providing effective dates:

On the Part of the Senate:

RICHARD VARN, Chair
LARRY MURPHY

On the Part of the House:

JACK HATCH, Chair
RUHL MAULSBY

WILMER RENSINK

MARY NEUHAUSER
DON SHOULTZ
BRENT SIEGRIST

CONFERENCE COMMITTEE REPORT DEFERRED

House File 774

Senator Varn called up the conference committee report on House File 774, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational and cultural programs of this state, and providing effective dates, filed on May 6, 1989.

Senator Hutchins asked and received unanimous consent that action on the conference committee report and **House File 774** be **deferred**.

BUSINESS PENDING

House File 785

The Senate resumed consideration of House File 785, a bill for an act relating to and making supplemental appropriations to agencies from the Iowa plan fund and providing an effective date, amendment S—4151 as amended by the committee on Appropriations to strike everything after the enacting clause and to the title page of the bill, previously deferred.

Senator Running offered amendment S—4181 filed by Senators Running and Lind from the floor to page 2 of amendment S—4151 and moved its adoption.

A non record roll call was requested.

The ayes were 14, nays 29.

Amendment S—4181 lost.

Senator Boswell moved the adoption of amendment S—4151, as amended which motion prevailed by a voice vote.

Senator Boswell 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. 785) the vote was:

Ayes, 46:

Boswell	Bruner	Coleman	Corning
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Goodwin
Hagerla	Hannon	Hedge	Hester
Horn	Hultman	Husak	Hutchins
Jensen	Kibbie	Kinley	Lind
Lloyd-Jones	Mann	Miller	Murphy
Nystrom	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Running	Scott	Soorholtz	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, 3:

Gentleman	Gronstal	Sturgeon
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Absent or not voting, 1:

Carr

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 785 be immediately messaged** to the House.

CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 517)

A conference committee report signed by the following Senate and House members was filed May 6, 1989, on Senate File 517, a bill for an act relating to and making appropriations to various state agencies including certain state elected officials, the executive council, the department of general services, the department of personnel, the department of revenue and finance, the office of state-federal relations, and the department of

management, appropriating certain membership fees, restricting the expenditure of moneys from the disaster aid contingent fund, revising provisions relating to life cycle cost analyses of public facilities, transferring moneys in the Iowa economic emergency fund to the general fund of the state, and providing an effective date:

On the Part of the Senate:

MICHAEL E. GRONSTAL, Chair
BOB CARR
JOY CORNING
WILLIAM DIELEMAN
NORMAN GOODWIN

On the Part of the House:

DENNIS RENAUD, Chair
JANET ADAMS
EUGENE H. BLANSHAN

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 517

Senator Gronstal called up the conference committee report on Senate File 517, a bill for an act relating to and making appropriations to various state agencies including certain state elected officials, the executive council, the department of general services, the department of personnel, the department of revenue and finance, the office of state-federal relations, and the department of management, appropriating certain membership fees, restricting the expenditure of moneys from the disaster aid contingent fund, revising provisions relating to life cycle cost analyses of public facilities, transferring moneys in the Iowa economic emergency fund to the general fund of the state, and providing an effective date, filed on May 6, 1989, 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?" (S.F. 517) the vote was:

Ayes, 46:

Boswell	Bruner	Coleman	Corning
Deluhery	Doyle	Drake	Fraise
Fuhrman	Gettings	Goodwin	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Hultman	Husak	Hutchins
Jensen	Kibbie	Kinley	Lind
Lloyd-Jones	Mann	Miller	Murphy
Nystrom	Palmer	Pate	Peterson
Priebe	Rensink	Riordan	Running
Scott	Soorholtz	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, 1:

Gentleman

Absent or not voting, 3:

Carr Dieleman Rife

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 **Senate File 517** 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 6, 1989, **refused to concur** in the Senate amendment to the following bill in which the concurrence of the House was asked:

House File 795, a bill for an act relating to drought assistance, making appropriations, and providing effective dates.

ALSO: That the House has on May 6, 1989, 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 789, a bill for an act relating to or making appropriations from the petroleum overcharge funds for purposes related to energy conservation (S—4182 to H—4471).

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 34, by Committee on Rules and Administration, a concurrent resolution referring all resolutions and proposals requesting the establishment of legislative studies to the Legislative Council.

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

INTRODUCTION OF BILL

Senate File 548, by Hutchins and Hultman, a bill for an act to extend the moratorium for prosecuting persons in violation of the school attendance and certification requirements for equivalent instructions.

Read first time and assigned to the committee on **Education**.

BUSINESS PENDING

House File 774

The Senate resumed consideration of House File 774, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational and cultural programs of this state, and providing effective dates, and the conference committee report, previously deferred.

Senator Varn 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 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?" (H.F. 774) the vote was:

Ayes, 46:

Boswell	Bruner	Coleman	Corning
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Hagerla	Hedge
Hester	Horn	Hultman	Husak
Hutchins	Jensen	Kibbie	Kinley
Lind	Lloyd-Jones	Miller	Murphy
Nystrom	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Running	Scott	Soorholtz	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn		

Nays, 3:

Hannon	Mann	Welsh
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Absent or not voting, 1:

Carr

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 774** be **immediately messaged** to the House.

SENATE INSISTS

House File 795

Senator Boswell called up for consideration House File 795, a bill for an act relating to drought assistance, making appropriations, 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 795** on the part of the Senate: Senators Boswell, Chair; Fraise, Husak, Tieden and Jensen.

COMMITTEE REPORTS

RULES AND ADMINISTRATION

Final Bill Action: SENATE CONCURRENT RESOLUTION 34, a resolution referring all resolutions and proposals requesting the establishment of legislative studies to the Legislative Council.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 6: Hutchins, Gettings, Hultman, Jensen, Kinley and Lloyd-Jones.
Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE CONCURRENT RESOLUTION 22, a resolution relating to the designation of May 29, 1989, as the "National Day of Remembrance for the Victims of the USS Iowa."

Recommendation: DO PASS.

Final Vote: Ayes, 6: Hutchins, Gettings, Hultman, Jensen, Kinley and Lloyd-Jones.
Nays, none.

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 34.

Senate Concurrent Resolution 34

On motion of Senator Lloyd-Jones, Senate Concurrent Resolution 34, a resolution referring all resolutions and proposals requesting the establishment of legislative studies to the Legislative Council, was taken up for consideration.

Senator Lloyd-Jones moved the adoption of Senate Concurrent Resolution 34, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate Concurrent Resolution 34** and **House File 795** be **immediately messaged** to the House.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 789

Senator Riordan called up for consideration House File 789, a bill for an act relating to or making appropriations from the petroleum overcharge funds for purposes related to energy conservation, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—4182 to Senate amendment H—4471 filed May 6, 1989.

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

Senator Riordan 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. 789) the vote was:

Ayes, 46:

Boswell	Bruner	Corning	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gentleman	Gettings	Goodwin
Gronstal	Hagerla	Hannon	Hedge
Hester	Horn	Hultman	Husak
Hutchins	Jensen	Kibbie	Kinley
Lind	Lloyd-Jones	Mann	Miller
Murphy	Nystrom	Palmer	Pate
Peterson	Rensink	Riordan	Running
Scott	Soorholtz	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Absent or not voting, 4:

Carr

Coleman

Priebe

Rife

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 789** be **immediately messaged** to the House.

BILL REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that **House File 736** be referred from the Unfinished Business Calendar to the committee on **Business and Labor Relations**.

BUSINESS PENDING

House File 690

The Senate resumed consideration of House File 690, a bill for an act relating to the protection of children, by modifying provisions relating to a child in need of assistance, child abuse, termination of parental rights, religious exemptions regarding children, and providing for a procedure relating to courtroom testimony of children, and amendments S—3588 and S—3832, previously deferred.

Senator Gentleman offered amendment S—4031 filed by Senators Gentleman, Mann and Doyle on May 1, 1989, to pages 1, 2, 4, 5, 7 through 10, 12 and 13 of the bill.

Senator Mann offered amendment S—4183 filed by Senators Mann and Gentleman from the floor to amendment S—4031.

Senator Gentleman asked and received unanimous consent that action on amendment S—4183 to amendment S—4031, amendment S—4031 and **House File 690** be **deferred**.

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 41 present, 9 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 members of the conference committee, appointed, on May 6, 1989, on **House File 795**, a bill for an act relating to drought assistance, making appropriations, and providing effective dates, and the members of the conference committee, on the part of the House, are: The Representative from Tama, Mrs. Svoboda, Chair; the Representative from Dallas, Mr. McKinney, the Representative from Dubuque, Mr. Knapp, the Representative from Winnebago, Mr. Branstad, and the Representative from Muscatine, Mr. Petersen.

ALSO: That the members of the second conference committee, appointed May 6, 1989, on **Senate File 538**, a bill for an act relating to medical and health care, including matters relating to the maternal and child health program; the expansion of medical assistance eligibility for certain persons; physicians' charges for services to beneficiaries of health insurance under Title XVIII of the federal Social Security Act and providing for the collection and analysis of information; health care access; the requirement of the department of human services to collect certain data relating to usage of health maintenance organization services by recipients of medical assistance; the state individual income tax by requiring an evaluation of the medical and health insurance deduction; rural health systems delivery and rural occupational health; requiring the department of human services to adopt rules to conduct studies regarding health care providers which are reimbursed under the medical assistance program; establishing a health care cost containment task force; making appropriations to certain state agencies; and providing for other properly related matters, on the part of the House, are: The Representative from Dubuque, Mr. Jochum, Chair; the Representative from Carroll, Mr. Peterson, the Representative from Scott, Mr. Fey, the Representative from Pottawattamie, Mrs. Hester, and the Representative from Sioux, Mr. Plasier.

ALSO: That the House has, on May 6, 1989, adopted the conference committee report and passed the following bills:

House File 271, a bill for an act providing for the repeal of a local option sales and services tax and providing an effective date.

House File 686, a bill for an act establishing a science and technology foundation.

House File 740, a bill for an act relating to obscenity law, providing penalties, and making penalties applicable.

ADOPTION OF RESOLUTION

Senator Hutchins asked and received unanimous consent to take up for consideration House Concurrent Resolution 22.

House Concurrent Resolution 22

On motion of Senator Gettings, House Concurrent Resolution 22, a resolution to urge and petition the congress of the United States, the president of the United States, the federal trade commission, the packers and stockyards administration of the United States department of agriculture, and the attorney general of the United States to take initiatives to prevent the monopolization of the meat packing industry, with report of committee recommending passage, was taken up for consideration.

Senator Gettings moved the adoption of House Concurrent Resolution 22, which motion prevailed by a voice vote.

BUSINESS PENDING

House File 690

The Senate resumed consideration of House File 690, a bill for an act relating to the protection of children, by modifying provisions relating to a child in need of assistance, child abuse, termination of parental rights, religious exemptions regarding children, and providing for a procedure relating to courtroom testimony of children, and amendments S—3588, S—3832, S—4031, and S—4183 to amendment S—4031, previously deferred.

Senator Mann offered amendment S—4185 filed by Senators Mann and Gentleman from the floor to amendment S—4031 and moved its adoption.

Amendment S—4185 was adopted by a voice vote.

With the adoption of amendment S—4185 to amendment S—4031, the Chair ruled the following amendments out of order:

S—4036 filed by Senator Mann on May 1, 1989, to amendment S—4031.

S—4129 filed by Senator Mann on May 4, 1989, to amendment S—4031.

S—4183 by Senator Mann to amendment S—4031, previously deferred.

Senator Gentleman moved the adoption of amendment S—4031 as amended, which motion prevailed by a voice vote.

With the adoption of amendment S—4031 as amended, the Chair ruled the following amendments out of order:

S—3832 by Senator Gentleman to pages 1, 2, 4, 5, 7, 9, 10, 12 and 13 of the bill, previously deferred.

S—3861 filed by Senator Gentleman on April 24, 1989, to amendment S—3832.

S—3868 filed by Senator Bruner on April 24, 1989, to page 7 of the bill.

Senator Bruner offered amendment S—4186 filed by him from the floor to page 7 of the bill and moved its adoption.

Amendment S—4186 was adopted by a voice vote.

Senator Gentleman moved the adoption of amendment S—3588, by the committee on Judiciary to pages 1, 2, and 11 through 14 of the bill, previously deferred.

Amendment S—3588 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. 690) the vote was:

Ayes, 43:

Boswell
Deluhery

Bruner
Dieleman

Coleman
Doyle

Corning
Drake

Fraise	Gentleman	Gettings	Goodwin
Gronstal	Hagerla	Hannon	Hedge
Horn	Hultman	Husak	Hutchins
Jensen	Kibbie	Kinley	Lind
Lloyd-Jones	Miller	Murphy	Nystrom
Pate	Priebe	Rife	Riordan
Running	Scott	Soorholtz	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, 5:

Fuhrman	Hester	Mann	Peterson
Rensink			

Absent or not voting, 2:

Carr	Palmer
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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.

CONFERENCE COMMITTEE REPORT RECEIVED (House File 686)

A conference committee report signed by the following Senate and House members was filed May 6, 1989, on House File 686, a bill for an act establishing a science and technology foundation and providing an effective date:

On the Part of the Senate:

JOHN KIBBIE, Chair
LEONARD BOSWELL
RICHARD RUNNING
MARK HAGERLA
LINN FUHRMAN

On the Part of the House:

TOM SWARTZ, Chair
GLEN JESSE
JACK HATCH
WAYNE BENNETT
JANET METCALF

CONFERENCE COMMITTEE REPORT ADOPTED

House File 686

Senator Kibbie called up the conference committee report on House File 686, a bill for an act establishing a science and

technology foundation and providing an effective date, filed on May 6, 1989, 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 Kibbie 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. 686) the vote was:

Ayes, 48:

Boswell	Bruner	Coleman	Corning
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Hagerla	Hannon
Hedge	Horn	Hultman	Husak
Hutchins	Jensen	Kibbie	Kinley
Lind	Lloyd-Jones	Mann	Miller
Murphy	Nystrom	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Running	Scott	Soorholtz
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, 1:

Hester

Absent or not voting, 1:

Carr

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 Lloyd-Jones asked and received unanimous consent that **House Concurrent Resolution 22** and **House Files 690** and **686** be **immediately messaged** to the House.

CONFERENCE COMMITTEE REPORT RECEIVED
(Senate File 220)

A conference committee report signed by the following Senate and House members was filed May 6, 1989, on Senate File 220, a bill for an act relating to the unclaimed winnings from and the taxes imposed on pari-mutuel wagering at racetracks in the state and providing applicability and effective dates:

On the Part of the Senate:

LARRY MURPHY, Chair
GEORGE KINLEY
BERL PRIEBE
CALVIN HULTMAN
JIM LIND

On the Part of the House:

TONY BISIGNANO, Chair
PHIL WISE
PHIL BRAMMER
JOSEPH KREMER
BILL ROYER

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 220

Senator Murphy called up the conference committee report on Senate File 220, a bill for an act relating to the unclaimed winnings from and the taxes imposed on pari-mutuel wagering at racetracks in the state and providing applicability and effective dates, filed on May 6, 1989, 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 Murphy 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. 220) the vote was:

Ayes, 36:

Boswell	Coleman	Corning	Deluhery
Doyle	Fraise	Gentleman	Gettings
Goodwin	Hagerla	Hannon	Hester
Horn	Hultman	Husak	Hutchins
Jensen	Kibbie	Kinley	Lind
Lloyd-Jones	Mann	Miller	Murphy

Nystrom
Priebe
Tieden

Palmer
Running
Tinsman

Pate
Soorholtz
Varn

Peterson
Szymoniak
Welsh

Nays, 12:

Bruner
Gronstal
Scott

Dieleman
Hedge
Sturgeon

Drake
Rensink
Taylor

Fuhrman
Riordan
Vande Hoef

Absent or not voting, 2:

Carr

Rife

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

CONFERENCE COMMITTEE REPORT RECEIVED (House File 740)

A conference committee report signed by the following Senate and House members was filed May 6, 1989, on House File 740, a bill for an act relating to obscenity law, providing penalties, and making penalties applicable:

On the Part of the Senate:

DONALD DOYLE, Chair
EUGENE FRAISE
TOM MANN, JR.

On the Part of the House:

DANIEL JAY, Chair
STEVEN HANSEN
WILLIAM HARBOR
CHARLES PONCY
BRENT SIEGRIST

CONFERENCE COMMITTEE REPORT ADOPTED

House File 740

Senator Doyle called up the conference committee report on House File 740, a bill for an act relating to obscenity law, providing penalties, and making penalties applicable, filed on May 6, 1989, 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 Doyle 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. 740) the vote was:

Ayes, 40:

Boswell	Coleman	Deluhery	Dieleman
Doyle	Drake	Fraise	Gettings
Goodwin	Gronstal	Hannon	Hedge
Hester	Horn	Hultman	Husak
Hutchins	Jensen	Kibbie	Kinley
Lind	Miller	Nystrom	Palmer
Pate	Priebe	Rensink	Rife
Riordan	Running	Scott	Soorholtz
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, 9:

Bruner	Corning	Fuhrman	Gentleman
Hagerla	Lloyd-Jones	Mann	Murphy
Peterson			

Absent or not voting, 1:

Carr

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

IMMEDIATELY MESSAGED

Senator Lloyd-Jones asked and received unanimous consent that **Senate File 220** and **House File 740** be **immediately messaged** to the House.

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 539

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members appointed to resolve the differences between the Senate and House of Representatives on Senate File 539, a bill for an act relating to the taxation of certain pensions, annuities, and retirement allowances received

for purposes of the state individual income tax and providing a retroactive applicability date, respectfully make the following report:

1. That the conference committee is unable to agree.

On the Part of the Senate:

WILLIAM W. DIELEMAN, Chair
CHARLES BRUNER
RICHARD DRAKE
JACK NYSTROM
WILLIAM PALMER

On the Part of the House:

DAVID TABOR, Chair
TONY BISIGNANO
MARVIN DIEMER
MINNETTE DODERER
HUGO SCHNEKLOTH

APPOINTMENT OF SECOND CONFERENCE COMMITTEE

The Chair announced the following **second** conference committee on **Senate File 539** on the part of the Senate: Senators Dieleman, Chair; Gettings, Kibbie, Drake and Nystrom.

CONFERENCE COMMITTEE REPORT RECEIVED (House File 271)

A conference committee report signed by the following Senate and House members was filed May 6, 1989, on House File 271, a bill for an act relating to the repeal of a local option sales and services tax and providing an effective date:

On the Part of the Senate:

BERL E. PRIEBE, Chair
EMIL HUSAK
DONALD DOYLE
LINN FUHRMAN
JULIA GENTLEMAN

On the Part of the House:

PHIL WISE, Chair
MICHAEL CONNOLLY
RALPH ROSENBERG
JANET METCALF
HUGO SCHNEKLOTH

CONFERENCE COMMITTEE REPORT ADOPTED

House File 271

Senator Priebe called up the conference committee report on House File 271, a bill for an act relating to the repeal of a local option sales and services tax and providing an effective date, filed on May 6, 1989, 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 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. 271) the vote was:

Ayes, 48:

Boswell	Bruner	Coleman	Corning
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Hultman
Husak	Jensen	Kibbie	Kinley
Lind	Lloyd-Jones	Mann	Miller
Murphy	Nystrom	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Running	Scott	Soorholtz
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Carr Hutchins

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

IMMEDIATELY MESSAGED

Senator Lloyd-Jones asked and received unanimous consent that **House File 271** and **Senate File 539** be **immediately messaged** to the House.

BILLS REFERRED TO COMMITTEE

Senator Lloyd-Jones asked and received unanimous consent that **Senate Files 108** and **542** be referred from the Appropriations Calendar to the committee on **Appropriations**.

UNFINISHED BUSINESS
(Deferred April 11, 1989)

House File 721

The Senate resumed consideration of House File 721, a bill for an act enacting the quad cities interstate metropolitan authority compact, deferred April 11, 1989.

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. 721) the vote was:

Ayes, 48:

Boswell	Bruner	Coleman	Corning
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Husak
Hutchins	Jensen	Kibbie	Kinley
Lind	Lloyd-Jones	Mann	Miller
Murphy	Nystrom	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Running	Scott	Soorholtz
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Carr Hultman

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

BUSINESS PENDING

House File 688

The Senate resumed consideration of House File 688, a bill for an act relating to the protection of children, by providing for the grounds and procedures for child in need of assistance and termination of parental rights proceedings, previously deferred.

Senator Mann offered amendment S—4187 filed by him from the floor to pages 1, 2, 4 and 5 of the bill and moved its adoption.

Amendment S—4187 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. 688) the vote was:

Ayes, 47:

Boswell	Bruner	Corning	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gentleman	Gettings	Goodwin
Gronstal	Hagerla	Hannon	Hedge
Hester	Horn	Hultman	Husak
Hutchins	Jensen	Kibbie	Kinley
Lind	Lloyd-Jones	Miller	Murphy
Nystrom	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Running	Scott	Soorholtz	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, 1:

Mann

Absent or not voting, 2:

Carr

Coleman

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

IMMEDIATELY MESSAGED

Senator Lloyd-Jones asked and received unanimous consent that **House Files 721 and 688** be **immediately messaged** to the House.

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, 1989, adopted the conference committee report and passed **House File 778**, a bill for an act relating to and making appropriations to the department of agriculture and land stewardship, to the department of natural resources, to an environmental fund, providing for environmental protection, and the control of certain vegetation, and providing effective dates.

HOUSE AMENDMENT CONSIDERED

Senate File 537

Senator Bruner called up for consideration Senate File 537, a bill for an act relating to the standard deduction for state individual income tax purposes, limiting the deduction for net capital gain to the transfer of certain capital assets, providing an earned income tax credit, and providing retroactive applicability and effective dates, amended by the House in House amendment S—4106 filed May 4, 1989.

Senator Hultman offered amendment S—4109 filed by him on May 4, 1989, to House amendment S—4106.

Senator Bruner raised the point of order that amendment S—4109 to House amendment S—4106 was not germane.

The Chair ruled the point well taken and amendment S—4109 out of order.

Senator Bruner asked and received unanimous consent that action on House amendment S—4106 and **Senate File 537** be **deferred**.

CONSIDERATION OF BILL (Regular Calendar)

Senator Lloyd-Jones asked and received unanimous consent to take up for consideration House File 782.

House File 782

On motion of Senator Mann, House File 782, a bill for an act relating to the revocation of a motor vehicle license or nonresident operating privilege as the result of a conviction for certain vehicular homicide offenses, with report of committee recommending passage, was taken up for consideration.

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. 782) the vote was:

Ayes, 49:

Boswell	Bruner	Coleman	Corning
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Hultman
Husak	Hutchins	Jensen	Kibbie
Kinley	Lind	Lloyd-Jones	Mann
Miller	Murphy	Nystrom	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Running	Scott
Soorholtz	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Carr

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

Senator Lloyd-Jones asked and received unanimous consent that **House File 782** be **immediately messaged** to the House.

CONFERENCE COMMITTEE REPORT RECEIVED (House File 778)

A conference committee report signed by the following Senate and House members was filed May 6, 1989, on House File 778, a bill for an act relating to and making appropriations to the department of agriculture and land stewardship, to the department of natural resources, to an environmental fund, providing for environmental protection, and the control of certain vegetation, and providing effective dates:

On the Part of the Senate:

JAMES RIORDAN, Chair
 JACK HESTER
 EMIL HUSAK
 JACK RIFE
 KENNETH SCOTT

On the Part of the House:

PAUL JOHNSON, Chair
 DENNIS BLACK
 MARVIN DIEMER
 DAVID SCHRADER
 VIC STUELAND

CONFERENCE COMMITTEE REPORT ADOPTED

House File 778

Senator Riordan called up the conference committee report on House File 778, a bill for an act relating to and making appropriations to the department of agriculture and land stewardship, to the department of natural resources, to an environmental fund, providing for environmental protection, and the control of certain vegetation, and providing effective dates, filed on May 6, 1989.

Senator Kinley took the chair at 8:02 p.m.

Senator Riordan moved the adoption of the conference committee report, which 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?" (H.F. 778) the vote was:

Ayes, 42:

Boswell	Bruner	Coleman	Corning
Deluhery	Doyle	Fraise	Gettings
Goodwin	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Hultman
Husak	Hutchins	Jensen	Kibbie
Kinley	Lind	Lloyd-Jones	Mann
Miller	Murphy	Nystrom	Pate
Peterson	Priebe	Rensink	Riordan
Running	Scott	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, 4:

Dieleman

Drake

Fuhrman

Gentleman

Absent or not voting, 4:

Carr

Palmer

Rife

Soorholtz

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 WITHDRAWN

House File 124

Senator Husak withdrew the motion to reconsider House File 124, a bill for an act to increase the fee for the wildlife habitat stamp, filed by him on April 12, 1989, and found on page 1383 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Lloyd-Jones asked and received unanimous consent that House Files 124 and 778 be **immediately messaged** to the House.

UNFINISHED BUSINESS

(Deferred April 12, 1989)

House File 29

The Senate resumed consideration of House File 29, a bill for an act relating to the recovery of unemployment compensation overpayments, deferred April 12, 1989.

Senator Lind offered amendment S—3291 filed by him on March 16, 1989, to page 1 of the bill and called for a division: lines 3 through 19 as division S—3291A; lines 20 through 24 as division S—3291B.

Senator Lind withdrew division S—3291B.

Senator Mann raised the point of order that division S—3291A was not germane to the bill.

The Chair ruled the point not well taken and division S—3291A in order.

Senator Lind moved the adoption of division S—3291A.

A record roll call was requested.

On the question “Shall division S—3291A be adopted?” (H.F. 29) the vote was:

Ayes, 18:

Corning	Drake	Fuhrman	Gentleman
Goodwin	Hagerla	Hedge	Hester
Hultman	Jensen	Lind	Nystrom
Rensink	Rife	Taylor	Tieden
Tinsman	Vande Hoef		

Nays, 30:

Boswell	Bruner	Coleman	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Hannon	Horn	Husak
Hutchins	Kibbie	Kinley	Lloyd-Jones
Mann	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Riordan
Running	Scott	Sturgeon	Szymoniak
Varn	Welsh		

Absent or not voting, 2:

Carr	Soorholtz
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Division S—3291A lost.

Senator Hultman offered amendment S—3663 filed by him on April 12, 1989, to page 1 and the title page of the bill.

Senator Mann raised the point of order that amendment S—3663 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3663 out of order.

Senator Lind asked and received unanimous consent that action on **House File 29** be deferred.

BUSINESS PENDING

Senate File 537

The Senate resumed consideration of Senate File 537, a bill for an act relating to the standard deduction for state individual income tax purposes, limiting the deduction for net capital gain to the transfer of certain capital assets, providing an earned income tax credit, and providing retroactive applicability and effective dates, and House amendment S—4106, previously deferred.

Senator Bruner offered amendment S—4188 filed by Senators Bruner, Hutchins and Dieleman from the floor to House amendment S—4106.

Senator Bruner offered amendment S—4189 filed by him from the floor to amendment S—4188 to House amendment S—4106 and moved it adoption.

Amendment S—4189 was adopted by a voice vote.

Senator Bruner moved the adoption of amendment S—4188 as amended, to House amendment S—4106.

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—4188 as amended lost.

Senator Hutchins asked and received unanimous consent that action on House amendment S—4106 and **Senate File 537** be **deferred**.

President Zimmerman took the chair at 8:48 p.m.

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

The Senate resumed session, President Zimmerman presiding.

QUORUM CALL

Senator Horn 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 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 6, 1989, adopted the conference committee report and passed the following bills:

House File 795, a bill for an act relating to drought assistance, making appropriations, and providing effective dates.

House File 250, a bill for an act relating to violations of an individual's civil rights, by prohibiting interference with the contractual or business relations of another citizen, by prohibiting acts of assault and criminal mischief, providing victims actionable civil relief against offenders, establishing a program to monitor civil rights violations, and providing a penalty.

ALSO: That the members of the **second conference committee**, appointed May 6, 1989, on **Senate File 539**, a bill for an act relating to the taxation of certain pensions, annuities, and retirement allowances received for purposes of the state individual income tax and providing a retroactive applicability date, on the part of the House, are: The Representative from Jackson, Mr. Tabor, Chair; the Representative from Cerro Gordo, Mr. Groninga, the Representative from Linn, Mrs. Chapman, the Representative from Black Hawk, Mr. Diemer, and the Representative from Scott, Mr. Schnekloth.

CONFERENCE COMMITTEE REPORT RECEIVED (House File 795)

A conference committee report signed by the following Senate and House members was filed May 6, 1989, on House File 795, a bill for an act relating to drought assistance, making appropriations, and providing effective dates:

On the Part of the Senate:

LEONARD L. BOSWELL, Chair
 EMIL HUSAK
 EUGENE FRAISE
 JOHN JENSEN
 DALE TIEDEN

On the Part of the House:

JANE SVOBODA, Chair
 CLIFFORD BRANSTAD
 DONALD KNAPP
 WAYNE MCKINNEY, JR.

CONFERENCE COMMITTEE REPORT ADOPTED

House File 795

Senator Boswell called up the conference committee report on House File 795, a bill for an act relating to drought assistance, making appropriations, and providing effective dates, filed on May 6, 1989, 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 Boswell 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. 795) the vote was:

Ayes, 37:

Boswell	Bruner	Corning	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Goodwin	Gronstal
Hagerla	Hedge	Hester	Horn
Hultman	Husak	Hutchins	Jensen
Kibbie	Lloyd-Jones	Mann	Miller
Murphy	Nystrom	Pate	Peterson
Priebe	Rensink	Riordan	Scott
Sturgeon	Taylor	Tinsman	Vande Hoef
Varn			

Nays, none.

Absent or not voting, 13:

Carr	Coleman	Gentleman	Hannon
Kinley	Lind	Palmer	Rife
Running	Soorholtz	Szymoniak	Tieden
Welsh			

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 795** be **immediately messaged** to the House.

MOTIONS TO RECONSIDER WITHDRAWN

House File 794

Senator Husak withdrew the following motion to reconsider filed by him from the floor:

MADAM PRESIDENT: I move to reconsider the vote by which House File 794 passed the Senate on May 6, 1989.

Senator Varn withdrew the following motion to reconsider filed by him from the floor:

MADAM PRESIDENT: I move to reconsider the vote by which House File 794 passed the Senate on May 6, 1989.

The following motion to reconsider filed by Senator Husak from the floor was out of order:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S—4133 to House File 794 was adopted by the Senate on May 6, 1989.

Senator Hutchins asked and received unanimous consent that **House File 794** be **immediately messaged** to the House.

House File 88

Senators Husak and Welsh withdrew the motions to reconsider House File 88, a bill for an act providing for nonresident hunting licenses for deer and wild turkey, filed by them on April 13, 1989, and found on page 1416 of the Senate Journal.

Senator Hutchins asked and received unanimous consent that **House File 88** be **immediately messaged** to the House.

**SECOND CONFERENCE COMMITTEE
REPORT RECEIVED
(Senate File 539)**

A second conference committee report signed by the following Senate and House members was filed May 6, 1989, on Senate File 539, a bill for an act relating to the taxation of certain pensions, annuities, and retirement allowances received for purposes of the state individual income tax and providing a retroactive applicability date:

On the Part of the Senate:

WILLIAM W. DIELEMAN, Chair
RICHARD DRAKE
DONALD GETTINGS
JOHN KIBBIE
JACK NYSTROM

On the Part of the House:

DAVID TABOR, Chair
KAY CHAPMAN
JOHN GRONINGA

SECOND CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 539

Senator Dieleman called up the second conference committee report on Senate File 539, a bill for an act relating to the taxation of certain pensions, annuities, and retirement allowances received for purposes of the state individual income tax and providing a retroactive applicability date, filed on May 6, 1989, and moved its adoption.

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

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. 539) the vote was:

Ayes, 32:

Bruner	Corning	Deluhery	Dieleman
Doyle	Drake	Fraise	Gettings
Gronstal	Hagerla	Hannon	Hedge

Horn	Husak	Kinley	Lloyd-Jones
Mann	Miller	Murphy	Nystrom
Palmer	Pate	Peterson	Priebe
Riordan	Running	Scott	Sturgeon
Szymoniak	Taylor	Tinsman	Varn

Nays, 9:

Boswell	Fuhrman	Gentleman	Goodwin
Hester	Jensen	Rensink	Rife
Vande Hoef			

Absent or not voting, 9:

Carr	Coleman	Hultman	Hutchins
Kibbie	Lind	Soorholtz	Tieden
Welsh			

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

**SECOND CONFERENCE COMMITTEE
REPORT RECEIVED
(Senate File 538)**

A second conference committee report signed by the following Senate and House members was filed May 6, 1989, on Senate File 538, a bill for an act relating to medical and health care, including matters relating to the maternal and child health program; the expansion of medical assistance eligibility for certain persons; physicians' charges for services to beneficiaries of health insurance under Title XVIII of the federal Social Security Act and providing for the collection and analysis of information; health care access; the requirement of the department of human services to collect certain data relating to usage of health maintenance organization services by recipients of medical assistance; the state individual income tax by requiring an evaluation of the medical and health insurance deduction; rural health systems delivery and rural occupational health; requiring the department of human services to adopt rules to conduct studies regarding health care providers which are reimbursed under the medical assistance program; establishing a health care cost containment task force; making appropriations to certain state agencies; and providing for other properly related matters:

On the Part of the Senate:

CHARLES BRUNER, Chair
JOY CORNING
JEAN LLOYD-JONES
WILLIAM PALMER
MAGGIE TINSMAN

On the Part of the House:

THOMAS JOCHUM, Chair
THOMAS FEY
MICHAEL PETERSON

SECOND CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 538

Senator Bruner called up the conference committee report on Senate File 538, a bill for an act relating to medical and health care, including matters relating to the maternal and child health program; the expansion of medical assistance eligibility for certain persons; physicians' charges for services to beneficiaries of health insurance under Title XVIII of the federal Social Security Act and providing for the collection and analysis of information; health care access; the requirement of the department of human services to collect certain data relating to usage of health maintenance organization services by recipients of medical assistance; the state individual income tax by requiring an evaluation of the medical and health insurance deduction; rural health systems delivery and rural occupational health; requiring the department of human services to adopt rules to conduct studies regarding health care providers which are reimbursed under the medical assistance program; establishing a health care cost containment task force; making appropriations to certain state agencies; and providing for other properly related matters, filed on May 6, 1989, and moved its adoption.

A record roll call was requested.

On the question "Shall the second conference committee report be adopted?" (S.F. 538) the vote was:

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

Ayes, 30:

Boswell
Deluhery
Gronstal

Bruner
Doyle
Hannon

Coleman
Fraise
Horn

Corning
Gettings
Hutchins

Kibbie	Kinley	Lind	Lloyd-Jones
Mann	Miller	Murphy	Palmer
Peterson	Priebe	Riordan	Running
Scott	Sturgeon	Szymoniak	Tinsman
Varn	Welsh		

Nays, 16:

Dieleman	Drake	Fuhrman	Goodwin
Hagerla	Hedge	Hester	Hultman
Jensen	Nystrom	Pate	Rensink
Rife	Taylor	Tieden	Vande Hoef

Absent or not voting, 4:

Carr	Gentleman	Husak	Soorholtz
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The motion prevailed and the second 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. 538) the vote was:

Ayes, 31:

Boswell	Bruner	Coleman	Corning
Deluhery	Dieleman	Doyle	Fraise
Gettings	Gronstal	Hannon	Horn
Hutchins	Kibbie	Kinley	Lind
Lloyd-Jones	Mann	Miller	Murphy
Palmer	Peterson	Priebe	Riordan
Running	Scott	Sturgeon	Szymoniak
Tinsman	Varn	Welsh	

Nays, 15:

Drake	Fuhrman	Goodwin	Hagerla
Hedge	Hester	Hultman	Jensen
Nystrom	Pate	Rensink	Rife
Taylor	Tieden	Vande Hoef	

Absent or not voting, 4:

Carr	Gentleman	Husak	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.

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 472

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 difference between the Senate and the House of Representatives on Senate File 472, a bill for an act relating to private and home education and providing a penalty, respectfully make the following report:

1. That the conference committee is unable to agree.

On the Part of the Senate:

On the Part of the House:

LARRY MURPHY, Chair
WILLIAM DIELEMAN
WILMER RENSINK
ELAINE SZYMONIAK
RAY TAYLOR

DENNIS COHOON, Chair
RON CORBETT
HORACE DAGGETT
STEVEN HANSEN
C. ARTHUR OLLIE

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

IMMEDIATELY MESSAGED

Senator Lloyd-Jones asked and received unanimous consent that **Senate Files 538 and 539** be **immediately messaged** to the House.

CONFERENCE COMMITTEE REPORT RECEIVED
(House File 250)

A conference committee report signed by the following Senate and House members was filed May 6, 1989, on House File 250, a bill for an act relating to violations of an individual's civil rights, by prohibiting interference with the contractual or business relations of another citizen, by prohibiting acts of assault and criminal mischief, providing victims actionable civil relief against

offenders, establishing a program to monitor civil rights violations, and providing a penalty:

On the Part of the Senate:

RICHARD VARN, Chair
TOM MANN, JR.
DONALD DOYLE

On the Part of the House:

TOM JOCHUM, Chair
RALPH ROSENBERG
PHIL BRAMMER

CONFERENCE COMMITTEE REPORT ADOPTED
(HOUSE FILE 250 FAILS)

House File 250

Senator Varn called up the conference committee report on Senate File 250, a bill for an act relating to violations of an individual's civil rights, by prohibiting interference with the contractual or business relations of another citizen, by prohibiting acts of assault and criminal mischief, providing victims actionable civil relief against offenders, establishing a program to monitor civil rights violations, and providing a penalty, filed on May 6, 1989.

Senator Taylor raised the point of order that the conference committee report was not germane under Joint Rule 13.

The Chair ruled the point not well taken and the conference committee report in order.

Senator Varn moved the adoption of the conference committee report on House File 250.

A record roll call was requested.

On the question "Shall the conference committee report be adopted?" (H.F. 250) the vote was:

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

Ayes, 23:

Boswell	Bruner	Deluhery	Doyle
Gronstal	Hannon	Horn	Hutchins
Kibbie	Lind	Lloyd-Jones	Mann
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Riordan	Sturgeon
Szymoniak	Varn	Welsh	

Nays, 22:

Coleman	Corning	Dieleman	Drake
Fraise	Fuhrman	Gettings	Goodwin
Hagerla	Hedge	Hester	Hultman
Husak	Jensen	Nystrom	Rensink
Running	Scott	Taylor	Tieden
Tinsman	Vande Hoef		

Absent or not voting, 5:

Carr	Gentleman	Kinley	Rife
Soorholtz			

The motion prevailed 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?" (H.F. 250) the vote was:

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

Ayes, 21:

Boswell	Bruner	Deluhery	Doyle
Gronstal	Hannon	Horn	Kibbie
Lind	Lloyd-Jones	Mann	Miller
Murphy	Palmer	Pate	Peterson
Riordan	Sturgeon	Szymoniak	Varn
Welsh			

Nays, 24:

Coleman	Corning	Dieleman	Drake
Fraise	Fuhrman	Gettings	Goodwin

Hagerla	Hedge	Hester	Hultman
Husak	Hutchins	Jensen	Nystrom
Priebe	Rensink	Running	Scott
Taylor	Tieden	Tinsman	Vande Hoef

Absent or not voting, 5:

Carr	Gentleman	Kinley	Rife
Soorholtz			

The bill not having received a constitutional majority was declared to have **failed to pass** the Senate.

BUSINESS PENDING

Senate File 537

The Senate resumed consideration of Senate File 537, a bill for an act relating to the standard deduction for state individual income tax purposes, limiting the deduction for net capital gain to the transfer of certain capital assets, providing an earned income tax credit, and providing retroactive applicability and effective dates, and House amendment S—4106, previously deferred.

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 amendment S—4188 to House amendment S—4106 to Senate File 537 failed to be adopted by the Senate on May 6, 1989.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S.F. 537) the vote was:

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

Ayes, 27:

Bruner	Corning	Deluhery	Dieleman
Drake	Fraise	Gettings	Goodwin
Gronstal	Hannon	Horn	Hultman
Hutchins	Lind	Lloyd-Jones	Mann
Miller	Murphy	Palmer	Pate
Riordan	Running	Sturgeon	Szymoniak
Tinsman	Varn	Welsh	

Nays, 18:

Boswell	Coleman	Doyle	Fuhrman
Hagerla	Hedge	Hester	Husak
Jensen	Kibbie	Nystrom	Peterson
Priebe	Rensink	Scott	Taylor
Tieden	Vande Hoef		

Absent or not voting, 5:

Carr	Gentleman	Kinley	Rife
Soorholtz			

The motion prevailed and amendment S—4188 by Senators Bruner, Hutchins and Dieleman to House amendment S—4106 was taken up for reconsideration.

Senator Bruner moved the adoption of amendment S—4188 to House amendment S—4106, which motion prevailed by a voice vote.

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

Senator Bruner 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. 537) the vote was:

Ayes, 33:

Bruner	Corning	Deluhery	Dieleman
Doyle	Fuhrman	Gettings	Gronstal
Hannon	Hedge	Hester	Horn
Hutchins	Jensen	Kibbie	Lind
Lloyd-Jones	Mann	Miller	Murphy

Palmer	Pate	Rensink	Riordan
Running	Scott	Sturgeon	Szymoniak
Taylor	Tinsman	Vande Hoef	Varn
Welsh			

Nays, 12:

Boswell	Coleman	Drake	Fraise
Goodwin	Hagerla	Hultman	Husak
Nystrom	Peterson	Priebe	Tieden

Absent or not voting, 5:

Carr	Gentleman	Kinley	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 asked and received unanimous consent that **Senate File 537** 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 5, 1989, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 441, a bill for an act relating to the plugging of abandoned wells, by providing assistance to well owners, providing for well inspection and certification, providing for fees, making a civil penalty applicable, providing an effective date, and providing for repeal of a portion of the Act (S—4190).

ALSO: That the House has on May 6, 1989, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 688, a bill for an act relating to the protection of children, by providing for the grounds and procedures for child in need of assistance and termination of parental rights proceedings.

ALSO: That the House has on May 6, 1989, adopted the conference committee report and passed **House File 780**, a bill for an act relating to substance abuse treatment and narcotics law enforcement and creating a new department of drug control, making certain appropriations, providing penalties, and providing an effective date.

ALSO: That the House has on May 6, 1989, 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 799, a bill for an act relating to and making appropriations to the department of human services, state board of regents, department of cultural affairs, state department of transportation, department of personnel, and Iowa finance authority (S—4192 to H—4479).

CONFERENCE COMMITTEE REPORT RECEIVED (House File 780)

A conference committee report signed by the following Senate and House members was filed May 6, 1989, on House File 780, a bill for an act relating to substance abuse treatment and narcotics law enforcement and creating a new department of drug control, making certain appropriations, providing penalties, and providing an effective date:

On the Part of the Senate:

MICHAEL E. GRONSTAL, Chair
DONALD DOYLE
MARK HAGERLA
CALVIN HULTMAN
JOE WELSH

On the Part of the House:

WAYNE McKINNEY, Chair
JACK BEAMAN
DANIEL JAY
MICHAEL PETERSON
BILL TRENT

CONFERENCE COMMITTEE REPORT ADOPTED

House File 780

Senator Gronstal called up the conference committee report on House File 780, a bill for an act relating to substance abuse treatment and narcotics law enforcement and creating a new department of drug control, making certain appropriations, providing penalties, and providing an effective date, filed May 6, 1989, 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. 780) the vote was:

Ayes, 41:

Boswell	Bruner	Coleman	Corning
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Goodwin
Gronstal	Hagerla	Hannon	Hedge
Hester	Horn	Hultman	Husak
Hutchins	Jensen	Kibbie	Lind
Lloyd-Jones	Miller	Murphy	Nystrom
Pate	Peterson	Priebe	Rensink
Riordan	Running	Scott	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 9:

Carr	Gentleman	Kinley	Mann
Palmer	Rife	Soorholtz	Sturgeon
Szymoniak			

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 780** be **immediately messaged** to the House.

ADOPTION OF RESOLUTION (Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate Resolution 21.

Senate Resolution 21

On motion of Senator Hultman, Senate Resolution 21, a resolution honoring former Senator Edgar H. Holden for his years of legislative service, was taken up for consideration.

Senator Hultman moved the adoption of Senate Resolution 21, which motion prevailed by a voice vote.

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, 1989, 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 785, a bill for an act relating to and making supplemental appropriations to agencies from the Iowa plan fund and providing an effective date (S—4193 to H—4481).

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

The Senate resumed session at 12:55 a.m., Senator Deluhery presiding.

HOUSE AMENDMENT CONSIDERED

Senate File 441

Senator Priebe called up for consideration Senate File 441, a bill for an act relating to the plugging of abandoned wells, by providing assistance to well owners, providing for well inspection and certification, providing for fees, making a civil penalty applicable, providing an effective date, and providing for repeal of a portion of the Act, amended by the House, and moved that the Senate concur in House amendment S—4190 filed May 6, 1989.

A non record roll call was requested.

The ayes were 41, nays 9.

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

Senator Priebe 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. 441) the vote was:

Ayes, 42:

Boswell	Bruner	Coleman	Corning
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Goodwin
Gronstal	Hagerla	Hannon	Hedge
Hester	Horn	Hultman	Husak
Hutchins	Jensen	Kibbie	Lind
Lloyd-Jones	Mann	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Riordan	Running	Scott
Szymoniak	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Absent or not voting, 8:

Carr	Gentleman	Kinley	Nystrom
Rife	Soorholtz	Sturgeon	Taylor

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 send an immediate message to the House on **Senate File 441**.

COMMITTEE REPORT

EDUCATION

Final Bill Action: SENATE FILE 548, a bill for an act to extend the moratorium for prosecuting persons in violation of the school attendance and certification requirements for equivalent instruction.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Taylor, Boswell, Corning, Dieleman, Hedge, Kibbie, Lind, Lloyd-Jones, Rensink, Syzmoniak, Tieden and Tinsman. Nays, 5: Murphy, Horn, Bruner, Deluhery and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL (Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate File 548.

Senate File 548

On motion of Senator Dieleman, Senate File 548, a bill for an act to extend the moratorium for prosecuting persons in violation of the school attendance and certification requirements for equivalent instruction, with report of committee recommending passage, was taken up for consideration.

Senator Murphy withdrew amendment S—4184 filed by him on May 6, 1989, to strike everything after the enacting clause and to the title page of the bill.

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. 548) the vote was:

Ayes, 33:

Boswell	Coleman	Corning	Deluhery
Dieleman	Drake	Fraise	Fuhrman
Gettings	Goodwin	Hagerla	Hedge
Hester	Hultman	Husak	Hutchins
Jensen	Kibbie	Lind	Miller
Palmer	Pate	Peterson	Priebe
Rensink	Riordan	Scott	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, 10:

Bruner	Doyle	Gronstal	Hannon
Horn	Lloyd-Jones	Mann	Murphy
Running	Syzmoniak		

Absent or not voting, 7:

Carr
Rife

Gentleman
Soorholtz

Kinley
Sturgeon

Nystrom

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 **Senate File 548** be **immediately messaged** to the House.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 785

Senator Boswell called up for consideration House File 785, a bill for an act relating to and making supplemental appropriations to agencies from the Iowa plan fund and providing an effective date, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—4193 to Senate amendment H—4481 filed May 7, 1989.

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

Senator Hutchins asked and received unanimous consent that **House File 785** be **immediately messaged** to the House.

President Zimmerman took the chair at 2:00 a.m.

QUORUM CALL

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

The vote revealed 40 present, 10 absent and a quorum present.

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, 1989, **insisted on** its amendment to **House File 785**, a bill for an act relating to and making supplemental appropriations to agencies from the Iowa plan fund and providing an effective date, and the members of the conference committee, on the part of the House, are: The Representative from Wapello, Mr. Poncey, Chair; the Representative from Marshall, Mr. Swartz, the Representative from Benton, Mr. Brand, the Representative from Winnebago, Mr. Branstad, and the Representative from Buena Vista, Mr. Eddie.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 785**, on the part of the Senate: Senators Boswell, Chair; Welsh, Kibbie, Tieden and Lind.

Senator Hutchins asked and received unanimous consent that **House File 785** be **immediately messaged** to the House.

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

The Senate resumed session at 2:35 a.m., President Zimmerman presiding.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 799

Senator Welsh called up for consideration House File 799, a bill for an act relating to and making appropriations to the department of human services, state board of regents, department of cultural affairs, state department of transportation, department of personnel, and Iowa finance authority, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—4192 to Senate amendment H—4479 filed May 7, 1989.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (H.F. 799) the vote was:

Ayes, 26:

Boswell
Drake

Bruner
Fuhrman

Corning
Goodwin

Deluhery
Gronstal

Hagerla	Hedge	Hester	Hultman
Hutchins	Jensen	Lind	Lloyd-Jones
Pate	Rensink	Riordan	Running
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn		

Nays, 15:

Dieleman	Doyle	Fraise	Gettings
Hannon	Horn	Husak	Kibbie
Mann	Miller	Murphy	Palmer
Peterson	Scott	Welsh	

Absent or not voting, 9:

Carr	Coleman	Gentleman	Kinley
Nystrom	Priebe	Rife	Soorholtz
Sturgeon			

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

Senator Welsh 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. 799) the vote was:

Ayes, 28:

Boswell	Bruner	Corning	Deluhery
Drake	Fuhrman	Goodwin	Gronstal
Hagerla	Hedge	Hester	Hultman
Hutchins	Jensen	Kibbie	Lind
Lloyd-Jones	Murphy	Pate	Rensink
Riordan	Running	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn

Nays, 13:

Dieleman	Doyle	Fraise	Gettings
Hannon	Horn	Husak	Mann
Miller	Palmer	Peterson	Scott
Welsh			

Absent or not voting, 9:

Carr
Nystrom
Sturgeon

Coleman
Priebe

Gentleman
Rife

Kinley
Soorholtz

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 799** be **immediately messaged** to the House.

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, 1989, adopted the second conference committee report and passed **House File 779**, a bill for an act relating to and making appropriations, subject to certain conditions, to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the office of the state public defender, the department of inspections and appeals, the department of commerce, and the racing commission, among others, and effecting the laws enforced by and procedures utilized by such regulatory bodies, determining the ownership and control of certain property in the possession of the office of the state public defender, and imposing penalties.

SECOND CONFERENCE COMMITTEE REPORT RECEIVED (House File 779)

A second conference committee report signed by the following Senate and House members was filed May 7, 1989, on House File 779, a bill for an act relating to and making appropriations, subject to certain conditions, to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the office of the state public defender, the department of inspections and appeals, the department of commerce, and the racing commission, among others, and effecting the laws enforced by and procedures utilized by such regulatory bodies, determining the ownership and control of certain property in the possession of the office of the state public defender, and imposing penalties:

On the Part of the Senate:

RICHARD RUNNING, Chair
 JIM LIND
 WILLIAM PALMER
 ELAINE SZYMONIAK
 DALE TIEDEN

On the Part of the House:

TONY BISIGNANO, Chair
 THOMAS JOCHUM
 MINNETTE DODERER
 TERESA GARMAN

SECOND CONFERENCE COMMITTEE REPORT ADOPTED

House File 779

Senator Running called up the second conference committee report on House File 779, a bill for an act relating to and making appropriations, subject to certain conditions, to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the office of the state public defender, the department of inspections and appeals, the department of commerce, and the racing commission, among others, and effecting the laws enforced by and procedures utilized by such regulatory bodies, determining the ownership and control of certain property in the possession of the office of the state public defender, and imposing penalties, filed May 7, 1989, 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 Running 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. 779) the vote was:

Ayes, 31:

Boswell	Corning	Deluhery	Dieleman
Doyle	Drake	Fraise	Gettings
Goodwin	Hagerla	Hester	Horn
Hultman	Husak	Hutchins	Jensen
Kibbie	Lind	Lloyd-Jones	Miller
Palmer	Rensink	Riordan	Running
Scott	Szymoniak	Taylor	Tieden
Tinsman	Varn	Welsh	

Nays, 8:

Bruner	Fuhrman	Gronstal	Hannon
Hedge	Mann	Pate	Vande Hoef

Absent or not voting, 11:

Carr	Coleman	Gentleman	Kinley
Murphy	Nystrom	Peterson	Priebe
Rife	Soorholtz	Sturgeon	

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 779** be **immediately messaged** to the House.

BILLS REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that the following bills on the Senate Calendar be referred to committee:

S. R.	17	Business and Labor Relations
S. F.	79	Human Resources
S. F.	187	Ways and Means
S. F.	232	Ways and Means
S. F.	430	Ways and Means
S. F.	465	Human Resources
S. F.	528	Ways and Means
S. F.	533	Ways and Means
H. F.	18	Judiciary
H. F.	29	Business and Labor Relations
H. F.	282	Environment and Energy Utilities
H. F.	324	Local Government
H. F.	366	Local Government
H. F.	465	Local Government
H. F.	570	Transportation
H. F.	600	Environment and Energy Utilities
H. F.	620	Local Government

WITHDRAWN

Senator Hutchins asked and received unanimous consent that **Senate File 333** be **withdrawn** from further consideration of the Senate.

Senator Lloyd-Jones took the chair at 3:34 a.m.

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.

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 7, 1989, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 546, a bill for an act relating to budgetary matters by creating a legislative capital projects committee to review proposed capital projects and requires the governor to establish criteria for evaluating and funding the projects; increasing the size of the state revenue estimating council and the use of its estimates; establishing a coordinated leasing program; requiring notification to the department of management and appropriations committees of any request for or loss of federal or nonstate funds; repealing the authorization for intradepartmental transfers of appropriated funds; and extending the lottery (S—4194).

ALSO: That the House has on May 7, 1989, adopted the conference committee report on **House File 785**, a bill for an act relating to and making supplemental appropriations to agencies from the Iowa plan fund and providing an effective date.

CONFERENCE COMMITTEE REPORT RECEIVED
(House File 785)

A conference committee report signed by the following Senate and House members was filed May 7, 1989, on House File 795, a bill for an act relating to and making supplemental appropriations to agencies from the Iowa plan fund and providing an effective date:

On the Part of the Senate:

LEONARD BOSWELL, Chair
JOE WELSH
JOHN KIBBIE
DALE TIEDEN
JIM LIND

On the Part of the House:

CHARLES PONCY, Chair
THOMAS SWARTZ
WILLIAM BRAND
CLIFFORD BRANSTAD
RUSSELL EDDIE

CONFERENCE COMMITTEE REPORT ADOPTED

House File 785

Senator Boswell called up the conference committee report on House File 785, a bill for an act relating to and making supplemental appropriations to agencies from the Iowa plan fund and providing an effective date, filed on May 7, 1989, 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 Boswell 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. 785) the vote was:

Ayes, 37:

Boswell	Bruner	Corning	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Goodwin	Hagerla
Hannon	Hedge	Hester	Horn
Hultman	Husak	Hutchins	Jensen
Kibbie	Lind	Lloyd-Jones	Miller

Murphy	Pate	Rensink	Riordan
Running	Scott	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, 1:

Gronstal

Absent or not voting, 12:

Carr	Coleman	Gentleman	Kinley
Mann	Nystrom	Palmer	Peterson
Priebe	Rife	Soorholtz	Sturgeon

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 785** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 546

Senator Bruner called up for consideration Senate File 546, a bill for an act relating to budgetary matters by creating a legislative capital projects committee to review proposed capital projects and requires the governor to establish criteria for evaluating and funding the projects; increasing the size of the state revenue estimating council and the use of its estimates; establishing a coordinated leasing program; requiring notification to the department of management and appropriations committees of any request for or loss of federal or nonstate funds; repealing the authorization for intradepartmental transfers of appropriated funds; and extending the lottery, amended by the House, and moved that the Senate concur in House amendment S—4194 filed May 7, 1989.

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

Senator Bruner 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. 546) the vote was:

Ayes, 28:

Boswell	Corning	Deluhery	Dieleman
Doyle	Drake	Fraise	Fuhrman
Gettings	Goodwin	Hagerla	Hester
Horn	Hultman	Husak	Hutchins
Jensen	Kibbie	Lind	Miller
Pate	Running	Scott	Szymoniak
Tieden	Tinsman	Varn	Welsh

Nays, 10:

Bruner	Gronstal	Hannon	Hedge
Lloyd-Jones	Murphy	Rensink	Riordan
Taylor	Vande Hoef		

Absent or not voting, 12:

Carr	Coleman	Gentleman	Kinley
Mann	Nystrom	Palmer	Peterson
Priebe	Rife	Soorholtz	Sturgeon

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 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, 1989, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 25, a concurrent resolution to provide for adjournment sine die.

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

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE CONCURRENT RESOLUTION 35, a concurrent resolution to provide for adjournment sine die.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 5: Hutchins, Gettings, Hultman, Jensen and Lloyd-Jones. Nays, none. Absent or not voting, 1: Kinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 35, by committee on Rules and Administration, a concurrent resolution providing for adjournment sine die.

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

ADOPTION OF RESOLUTIONS
(Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate Resolution 20.

Senate Resolution 20

On motion of Senator Hultman, Senate Resolution 20, a senate resolution relating to daily operations of the Senate, was taken up for consideration.

Senator Hultman moved the adoption of Senate Resolution 20, which motion prevailed by a voice vote.

Senator Hutchins asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 35.

Senate Concurrent Resolution 35

On motion of Senator Hutchins, Senate Concurrent Resolution 35, a resolution to provide for adjournment sine die, was taken up for consideration.

Senator Hutchins asked and received unanimous consent that **House Concurrent Resolution 25** be substituted for **Senate Concurrent Resolution 35**.

House Concurrent Resolution 25

On motion of Senator Hutchins, House Concurrent Resolution 25, a resolution to provide for adjournment sine die, was taken up for consideration.

Senator Hutchins moved the adoption of House Concurrent Resolution 25, which motion prevailed by a voice vote.

Senator Hutchins asked and received unanimous consent that **Senate Concurrent Resolution 35** be **withdrawn** from further consideration of the Senate.

APPENDIX

MOTIONS TO RECONSIDER

(Filed May 6, 1989)

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 474 passed the Senate on May 6, 1989.

BERL E. PRIEBE

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 474 passed the Senate on May 6, 1989.

JOHN E. SOORHOLTZ

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 545 passed the Senate on May 6, 1989.

BILL HUTCHINS

MOTION TO RECONSIDER

(Filed May 7, 1989)

MADAM PRESIDENT: I move to reconsider the vote by which House File 250 failed to pass the Senate on May 7, 1989.

BILL HUTCHINS

SUBCOMMITTEE ASSIGNMENT

(Filed May 6, 1989)

Senate File 548

EDUCATION: Dieleman, Chair; Murphy and Taylor

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on May 5, 1989, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 408 — Relating to roads, including roads identified by the state transportation commission as a network of commercial and industrial highways, by establishing the purpose of the network, by providing the terms for the improvement of the network, and by altering concurrent jurisdiction of extensions of primary roads in municipalities.

SENATE FILE 532 — Relating to the compensation and benefits for legislators, and other public officials and employees by specifying salary levels, by providing adjustments for salaries, by specifying properly related matters, by making appropriations, and by specifying effective dates for certain provisions.

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: May 5, 1989, 2:00 p.m.

Members Present: Priebe, Chair; Riordan, Vice Chair; Soorholtz, Ranking Member; Boswell, Coleman, Fraise, Fuhrman, Hedge, Hester, Husak, Miller, Palmer, Rensink, Scott and Vande Hoef.

Members Absent: none.

Committee Business: Recommended passage of Senate File 545 as amended.

Adjourned: 2:10 p.m.

APPROPRIATIONS

Convened: May 5, 1989, 12:05 p.m.

Members Present: Welsh, Chair; Boswell, Vice Chair; Tieden, Ranking Member; Bruner, Corning, Fraise, Gettings, Goodwin, Gronstal, Husak, Jensen, Lind, Lloyd-Jones, Pate, Peterson, Rensink, Riordan, Running, Tinsman and Varn.

Members Absent: Sturgeon (excused).

Committee Business: Approved LSB 4224 as a committee bill; recommended passage of House Files 789 and 785 as amended.

Adjourned: 1:12 p.m.

APPROPRIATIONS

Convened: May 5, 1989, 8:30 a.m.

Members Present: Welsh, Chair; Boswell, Vice Chair; Tieden, Ranking Member; Bruner, Corning, Fraise, Gettings, Goodwin, Gronstal, Husak, Lind, Lloyd-Jones, Pate, Peterson, Rensink, Riordan, Running, Sturgeon, Tinsman and Varn.

Members Absent: Jensen.

Committee Business: Approved LSB 2753 as a committee bill; recommended passage of House Files 795 and 700 as amended.

Adjourned: 8:50 p.m.

ENVIRONMENT AND ENERGY UTILITIES

Convened: May 6, 1989, 9:20 a.m.

Members Present: Deluhery, Chair; Gronstal, Vice Chair; Pate, Ranking Member; Carr, Hedge, Miller, Rife, Soorholtz, Sturgeon and Varn.

Members Absent: none.

Committee Business: Assigned a bill to subcommittee; recommended passage of Senate Resolution 19.

Adjourned: 9:25 a.m.

RULES AND ADMINISTRATION

Convened: May 6, 1989, 9:20 a.m.

Members Present: Hutchins, Chair; Gettings, Vice Chair; Hultman, Ranking Member; Jensen and Lloyd-Jones.

Members Absent: Kinley.

Committee Business: Recommended passage of House Concurrent Resolution 21; approved proposed committee resolution relating to daily operations of the Senate; approved proposed resolution honoring former Senator Edgar H. Holden for his years of legislative service.

Adjourned: 9:30 a.m.

RULES AND ADMINISTRATION

Convened: May 6, 1989, 2:25 p.m.

Members Present: Hutchins, Chair; Gettings, Vice Chair; Hultman, Ranking Member; Jensen, Kinley and Lloyd-Jones.

Members Absent: none.

Committee Business: Recommended passage of House Concurrent Resolution 22; approved proposed committee resolution relating to legislative studies.

Adjourned: 2:35 p.m.

RULES AND ADMINISTRATION

Convened: May 7, 1989, 12:50 a.m.

Members Present: Hutchins, Chair; Gettings, Vice Chair; Hultman, Ranking Member; Jensen, Kinley and Lloyd-Jones.

Members Absent: none.

Committee Business: Approved proposed committee resolution to provide for adjournment sine die.

Adjourned: 12:55 a.m.

STATE GOVERNMENT

Convened: May 6, 1989, 9:32 a.m.

Members Present: Carr, Chair; Lloyd-Jones, Vice Chair; Nystrom, Ranking Member; Coleman, Fraise, Gentleman, Hannon, Horn, Rife, Running, Soorholtz and Vande Hoef.

Members Absent: Dieleman, Drake and Gronstal (all excused).

Committee Business: Recommended passage of House Concurrent Resolution 10.

Adjourned: 9:35 a.m.

AMENDMENTS FILED
(May 6, 1989)

S—4165	H.F.	785	Leonard Boswell
S—4166	H.F.	795	Dale Tieden
			Wilmer Rensink
			Berl Priebe
S—4167	H.F.	795	Dale Tieden
			Wilmer Rensink
			Berl Priebe
S—4168	H.F.	785	Calvin Hultman
S—4169	H.F.	785	Jim Lind
S—4170	S. F.	361	House amendment
S—4171	S. F.	546	Richard Varn
			Larry Murphy
			Joe Welsh

S—4172	H.F.	785	Jim Lind Tom Mann, Jr.
S—4173	H.F.	785	Jim Riordan
S—4174	H.F.	799	Calvin Hultman
S—4175	H.F.	799	Joe Welsh
S—4176	H.F.	785	Joe Welsh
S—4177	H.F.	785	Leonard Boswell
S—4178	H.F.	785	Leonard Boswell
S—4179	H.F.	600	Eugene Fraise
S—4180	H.F.	785	Joe Welsh
S—4181	H.F.	785	Richard Running Jim Lind
S—4182	H.F.	789	House amendment
S—4183	H.F.	690	Tom Mann, Jr. Julia Gentleman
S—4184	S.F.	548	Larry Murphy
S—4185	H.F.	690	Tom Mann, Jr. Julia Gentleman
S—4186	H.F.	690	Charles Bruner
S—4187	H.F.	688	Tom Mann, Jr.
S—4188	S.F.	537	Charles Bruner Bill Hutchins William Dieleman
S—4189	S.F.	537	Charles Bruner
S—4190	S.F.	441	House amendment

AMENDMENTS FILED
(May 7, 1989)

S—4191	H.F.	29	Richard Varn Jim Lind
S—4192	H.F.	799	House amendment
S—4193	H.F.	785	House amendment
S—4194	S.F.	546	House amendment

The Senate stood at ease at 3:57 a.m. until the fall of the gavel.

The Senate resumed session, President Zimmerman presiding.

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 1989 Regular Session of the Seventy-third General Assembly, will be considered to have **failed**:

SENATE FILE 149, a bill for an act relating to the compulsory attendance and truancy laws and providing penalties (Senate passed May 5, 1989). Motions filed by Senators Murphy and Taylor on May 5, 1989.

SENATE FILE 474, a bill for an act to establish a pseudorabies control program and providing for penalties and the repeal of a chapter (Senate passed May 6, 1989). Motions filed by Senators Priebe and Soorholtz on May 6, 1989.

SENATE FILE 505, a bill for an act limiting tax increment financing of city urban renewal projects (Senate passed April 3, 1989). Motion filed by Senator Running on April 3, 1989).

SENATE FILE 545, a bill for an act relating to those persons eligible to sue for relief under the Iowa competition law, providing for the Act's applicability, and providing an effective date (Senate passed May 6, 1989). Motion filed by Senator Hutchins on May 6, 1989.

HOUSE FILE 250, a bill for an act relating to violations of an individual's civil rights, by prohibiting interference with the contractual or business relations of another citizen, by prohibiting acts of assault and criminal mischief, providing victims actionable civil relief against offenders, establishing a program to monitor civil rights violations, and providing a penalty (Senate failed to pass on May 7, 1989). Motion filed by Senator Hutchins on May 7, 1989.

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 1, 1989, passed the following bill in which the concurrence of the Senate is asked:

House File 347, a bill for an act relating to the time within which a postconviction relief action may be brought which arises out of a prison disciplinary proceeding and providing an effective date and an applicability provision.

ALSO: That the House has on March 29, 1989, passed the following bill in which the concurrence of the Senate is asked:

House File 619, a bill for an act establishing scheduled violations relating to the regulation of open containers and public consumption of alcoholic beverages, and providing penalties.

ALSO: That the House has on April 3, 1989, passed the following bill in which the concurrence of the Senate is asked:

House File 142, a bill for an act relating to special health and accident insurance coverages, including individual and group accident and sickness insurance, nonprofit medical service corporation or hospital service corporation contracts, or health maintenance organization contracts, by prohibiting denial of insurance or other third-party payor contract or policy based upon an applicant's receipt of psychological counseling.

ALSO: That the House has on April 28, 1989, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 662, a bill for an act relating to court proceedings involving child support orders where the dependent child resides in another state.

ALSO: That the House has on May 1, 1989, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 146, a bill for an act relating to the county commission of veteran affairs.

House File 529, a bill for an act relating to the exemption from civil and criminal liability arising from the donation of food.

House File 585, a bill for an act relating to guardians and conservators, by providing for notice to proposed wards, formation of state and local emergency medical boards, immunity from

liability, waiver of filing fees and costs, training of guardians and conservators, and implementation of a representative payee project.

ALSO: That the House has on May 2, 1989, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 293, a bill for an act relating to gifts, contributions, bequests, endowments, and other moneys for purposes of the library division of the department of cultural affairs.

House File 448, a bill for an act relating to the coverage of real estate agents under the workers' compensation law.

ALSO: That the House has, on May 4, 1989, adopted the conference committee report and passed **Senate File 141**, a bill for an act relating to statutory corrections which adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, and remove ambiguities.

ALSO: That the House has on May 4, 1989, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 549, a bill for an act relating to the agricultural product advisory council.

House File 777, a bill for an act relating to the length of occupancy of the homestead for purposes of the homestead credit and providing an effective date.

ALSO: That the House has on May 5, 1989, adopted the following concurrent resolutions in which the concurrence of the House was asked:

Senate Concurrent Resolution 7, a concurrent resolution urging the national economic commission to reject proposals to increase the federal motor fuel tax and to find other, more equitable and less damaging ways of reducing the federal budget deficit.

Senate Concurrent Resolution 10, a concurrent resolution relating to federal coal slurry pipeline legislation.

Senate Concurrent Resolution 23, a concurrent resolution to urge and petition the Postmaster General of the United States to issue a first-class commemorative postage stamp in honor of the Grant Wood centennial.

ALSO: That the House has, on May 5, 1989, adopted the conference committee report and passed the following bills:

Senate File 14, a bill for an act relating to manicuring, providing for the licensing of manicurists, and providing properly related matters.

Senate File 450, a bill for an act relating to educational standards, including flexible scheduling within a school year, waivers of student participation in physical education if the school has flexible scheduling and the student is participating on an athletic team, and making technical changes.

Senate File 524, a bill for an act relating to funding available for roads including appropriations of moneys to the affected jurisdictions.

Senate File 531, 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 and use of moneys from the road use tax fund, state aviation fund, and abstract fee fund, providing for an exemption from reversion for certain funds, extending the effective period of the temporary authority for the operation of certain commercial vehicles, mandating reports of certain agency purchases, requiring the state and its political subdivisions, under certain circumstances, to pay compensation to owners of off-premises advertising devices, and providing effective dates and retroactive application.

ALSO: That the House has on May 6, 1989, failed on reconsideration to pass the items of the following bill the objection of the Governor to the contrary notwithstanding:

House File 535, a bill for an act relating to the financing of education programs of school districts and area education agencies including the establishment of a school foundation formula, the provision of property tax levies, allocation of educational excellence program moneys, provision for payment of programs for certain at-risk children, making appropriations, and providing effective dates.

ALSO: That the House has on May 6, 1989, failed on reconsideration to pass the following bill, the objection of the Governor to the contrary notwithstanding:

House File 713, a bill for an act relating to the appointment of an environmental advocate and the establishment of an environmental advocate advisory committee.

ALSO: That the House has on May 6, 1989, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 355, a bill for an act relating to travel agents and agencies by providing for registration and regulation, and providing for fees and penalties.

House File 690, a bill for an act relating to the protection of children, by modifying provisions relating to a child in need of assistance, child abuse, termination of parental rights, religious exemptions regarding children, and providing for a procedure relating to courtroom testimony of children.

House File 791, a bill for an act relating to the decertification of a magistrate prior to commencement of the magistrate's term and providing an effective date.

ALSO: That the House has, on May 6, 1989, adopted the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 33, a concurrent resolution to urge the State Department of Transportation to continue studying the advisability of expanding the number of lanes of Interstate 235 in Polk County.

ALSO: That the House has, on May 6, 1989, adopted the conference committee report and passed the following bills:

Senate File 220, a bill for an act relating to the unclaimed winnings from and the taxes imposed on pari-mutuel wagering at racetracks in the state and providing applicability and effective dates.

Senate File 419, a bill for an act relating to energy efficiency and providing effective dates.

Senate File 470, a bill for an act relating to waste minimization and disposal.

Senate File 517, a bill for an act relating to and making appropriations to various state agencies including certain state elected officials, the executive council, the department of general

services, the department of personnel, the department of revenue and finance, the office of state-federal relations, and the department of management, appropriating certain membership fees, restricting the expenditure of moneys from the disaster aid contingent fund, revising provisions relating to life cycle cost analyses of public facilities, transferring moneys in the Iowa economic emergency fund to the general fund of the state, and providing an effective date.

ALSO: That the House has on May 7, 1989, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 88, a bill for an act providing for nonresident hunting licenses for deer and wild turkey.

House File 794, a bill for an act establishing an autonomous board to perform the duties of the present board of educational examiners and professional practices commission.

ALSO: That the House has on May 7, 1989, adopted the second conference committee report and passed **Senate File 538**, a bill for an act relating to medical and health care, including matters relating to the maternal and child health program; the expansion of medical assistance eligibility for certain persons; physicians' charges for services to beneficiaries of health insurance under Title XVIII of the federal Social Security Act and providing for the collection and analysis of information; health care access; the requirement of the department of human services to collect certain data relating to usage of health maintenance organization services by recipients of medical assistance; the state individual income tax by requiring an evaluation of the medical and health insurance deduction; rural health systems delivery and rural occupational health; requiring the department of human services to adopt rules to conduct studies regarding health care providers which are reimbursed under the medical assistance program; establishing a health care cost containment task force; making appropriations to certain state agencies; and providing for other properly related matters.

ALSO: That the House has on May 7, 1989, adopted the conference committee report and passed **Senate File 539**, a bill for an act relating to the taxation of certain pensions, annuities, and retirement allowances received for purposes of the state individual income tax and providing a retroactive applicability date.

ALSO: That the House has on May 7, 1989, 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 537, a bill for an act relating to the standard deduction for state individual income tax purposes, limiting the deduction for net capital gain to the transfer of certain capital

assets, providing an earned income tax credit, and providing retroactive applicability and effective dates.

REPORTS OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling the following Senate Files, the following corrections were made:

SENATE FILE 141:

1. Page 41, line 32, the words "Collection boxes," were changed to the words "COLLECTION BOXES."

SENATE FILE 153:

1. Page 1, line 3, a period was inserted after the words "DEBT SET OFF".
2. Page 4, line 28, the word "section" was changed to the word "sections".

SENATE FILE 154:

1. Page 6, line 23, the words "is amended as follows" were changed to the words "is amended to read as follows".

SENATE FILE 419:

1. Page 6, line 7, the word and figure "Section 13" were changed to the word and figure "Section 15".

SENATE FILE 474:

1. Page 2, line 18, a period was inserted after the number "11".
2. Page 14, line 31, the word "disinfectent" was changed to the word "disinfectant".

SENATE FILE 502:

1. Page 40, line 21, the words "notice under 493B.1320," were changed to the words "notice under section 493B.1320."
2. Page 108, line 9, the words "Polk County." were changed to the words "Polk county."
3. Page 138, line 13, the words "inserting the following in lieu" were changed to the words "inserting in lieu thereof the following".
4. Page 139, line 10, the words "inserting the" were changed to the words "inserting in lieu thereof the".

SENATE FILE 517:

1. Page 13, line 19, a period was deleted after the word "purposes:".
2. Page 20, lines 26 and 27, the words and figures "section 20 27 12, is repealed." were changed to the words and figures "section 12 is repealed."
3. Page 20, line 28, the words and figures "Sections 9 and 100" were changed to the words and figures "Sections 9 and 32".

SENATE FILE 531:

1. Page 25, line 14, the comma between "1988" and "Iowa Acts" was deleted.
2. Page 27, line 17, the words and figures "Sections 3, 9, 28, and 33" were changed to the words and figures "Sections 3, 9, 37, and 42".
3. Page 27, line 19, the word and figure "Section 26" was changed to the word and figure "Section 29".
4. Page 27, line 21, the word and figure "Section 26" was changed to the word and figure "Section 29".

SENATE FILE 537:

1. Page 2, line 15, the quotation mark was taken out before the words "NEW SUBSECTION."
2. Page 4, line 30, the words and figures "Sections 300, 301, and 104" were changed to the words and figures "Sections 1, 6, and 7".
3. Page 4, line 32, the words and figures "Sections 400, 401, 402, 403, and 404" were changed to the words and figures "Sections 2, 3, 4, 5, and 8".

SENATE FILE 538:

1. Page 5, line 14, the words "Social Security benefits." were changed to the words "social security benefits."
2. Page 10, line 16, the words "Sections 3001 through 3002" were changed to the words "Sections 404 through 405".
3. Page 14, lines 17 and 18, the words "completely spend-down" were changed to the words "completely spend down".
4. Page 27, line 1, the quotation mark was taken out before the words "DIVISION XI".
5. Page 36, line 32, the words "section 3004" were changed to the words "section 407".

6. Page 37, lines 1 and 2, the words "sections 5000, 1107, and 1108" were changed to the words "sections 1103, 1108, and 1109".

SENATE FILE 539:

1. Page 3, line 25, the words "Section 8 of this Act" were changed to the words "Section 7 of this Act".

SENATE FILE 540:

1. Page 11, line 24, a period was inserted after the word "EXPENSES".

2. Page 21, line 35, the figure "24" was changed to "25".

3. Page 22, line 1, the words and figures "through 26, and 31 through 35" were changed to the words and figures "through 27, and 32 through 36".

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 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 7th day of May, 1989:

Senate Files 14, 31, 56, 88, 118, 119, 122, 132, 141, 153, 154, 157, 185, 186, 215, 220, 223, 233, 256, 272, 291, 295, 349, 361, 366, 419, 423, 428, 434, 441, 450, 459, 462, 466, 470, 474, 488, 491, 497, 502, 512, 515, 517, 519, 522, 524, 526, 531, 536, 537, 538, 539, 540, 541 and 546.

JOHN F. DWYER
Secretary of the Senate

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 House Concurrent Resolution 25.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Sturgeon and Hultman.

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 House Concurrent Resolution 25.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Kinley and Jensen.

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 Kinley 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.

REPORT OF COMMITTEE TO NOTIFY THE GOVERNOR

Senator Sturgeon 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.

FINAL ADJOURNMENT

By virtue of House Concurrent Resolution 25, duly adopted, the day of May 7, 1989, having arrived, President Zimmerman declared the 1989 Regular Session of the Seventy-third General Assembly adjourned sine die.

May 24, 1989

The Honorable Jo Ann Zimmerman
President of the Senate
State Capitol Building
L O C A L

Dear Madam President:

The 1989 session of the General Assembly was presented with the challenge to help shape the future for Iowa. When I presented my program at the start of the session, I outlined that challenge: to build a state that people come to, not leave from; to offer the best education in the country; to become a model for others in protecting the environment; to keep dangerous criminals off the streets and out of our neighborhoods; to support our families; and to restore our state government to sound financial footings.

Those were the goals of the session. The result was mixed. Major issues were successfully resolved with bipartisan cooperation and hard work. Yet in areas where that cooperation broke down, nagging problems remain.

We worked together to build on our strength in education. The revised school aid formula will be remembered as the greatest accomplishment of the 1989 session. The open enrollment bill is also landmark legislation. We have shown our willingness to provide Iowa's children with a quality education system for the 1990's. We will help local schools achieve higher standards; address the needs of students, especially children at risk; and continue to cut our dependence on property taxes.

The bipartisan effort to reshape that \$2 billion formula was extraordinary. Leaders from both parties, both houses, and the legislative and executive branches of government rolled up their sleeves and went to work and reached a common goal: making a good education system even better. And our children and our children's children will be the beneficiaries of our dedication to that task.

We also took major steps to clean up our environment; add public lands for outdoor recreation; protect our lakes, streams and groundwater; develop degradable products; encourage recycling; and improve our parks. We can do all these things without raising taxes or fees.

Iowa can greet the 21st Century with the best environmental program in the country, with the cleanest air, richest soil and safest water in the nation. Biodegradables, recycling, groundwater protection, improved public lands and reforestation all are part of our plan for Iowa's environmental quality.

The General Assembly should also be proud of the outstanding bipartisan cooperation that forged new plans for the state's infrastructure. The revised road use tax formula is a good step forward to build the roads we need for the economic future of Iowa. And, the telecommunications plan passed in the closing hours

of the session will help our state build the communication super highways of the future. In telecommunications, we will be the national leader.

I am concerned, however, by a trend that developed in this session to shift the primary focus of this General Assembly away from economic development. While our strategic plan is working, we cannot afford to shift our attention away from economic development. We need to maintain and increase the effort to diversify our economy by fostering a positive climate for job growth and development. The lingering drought and the rising value of the dollar should serve to remind us of the continued vulnerability of our economy. We must continue to take aggressive action on the economic development front; it must remain the top issue on our agenda.

The General Assembly missed the opportunity to provide meaningful incentives for entrepreneurs, small business and venture capital to finance products that will provide new jobs in the future. Frankly, investments in those areas is a weakness in our current economic efforts and we must be prepared to take action to improve the climate for investment in small business and entrepreneurs in our state. Tort liability limits are also needed for small business.

Nevertheless, I am pleased with the passage of the Science and Technology Foundation, the marketing funding and workers retraining programs. Each will pay large dividends for this state in the future.

Tough laws and more enforcement resources are key tools provided to fight the drug epidemic. While the Legislature approved 120 additional secure prison beds, today we need space for nearly 300 more medium security inmates. While I appreciate the General Assembly finally acting to add desperately needed beds to our prison system, the plan that was passed simply does not go far enough to keep dangerous criminal off the streets and out of our communities. We will be back next year to request further action.

Iowans must be concerned about this General Assembly's excessive spending. Next year's spending level is over \$35 million above my recommended level and if it is left unchecked, could leave the state facing a deficit in fiscal year 1991. I have already vetoed \$20 million in excessive spending in FY'89 to be sure that income taxpayers will not be forced into higher income tax brackets. I likely will be required to veto additional items of increased spending to prevent future tax increases. Ironically, while spending more, the General Assembly actually cut the tax on cigarettes against my recommendation.

I am pleased with the efforts made to reform our welfare and child protection system, and to allow the elderly to stay in their homes. Those are good steps for Iowans in need.

Finally, this General Assembly made at least one serious error of omission — failure to resolve the home and Christian school issue. Many conscientious home and Christian school parents will be faced with leaving the state or violating the law on July 1 because of this lack of action. The issue has been studied and debated; it is time to get it resolved. The State Board of Education will be developing

recommendations on this problem over the summer. We should all commit to making the resolution of this issue the first order of business for the 1990 session.

In summary, the 1989 session tackled some big issues with bipartisan cooperation and a focused effort to move Iowa forward. Yet serious issues remain unresolved. Let's pledge to work together next session to resolve those issues for the good of all Iowans.

We cannot afford to lose our focus on economic development. The General Assembly missed the opportunity to provide meaningful incentives for entrepreneurs and venture capital to finance products that could provide new jobs in the future. We have been consistently working on a sound strategic plan for growth and diversification. The plan includes building on our strengths in agriculture and education; focusing our resources to create a transportation network to serve our state; improving our tax and business climate; investing in areas of growth potential; and marketing our state as a great place to live and work. Let's not forget that the economic recovery can be more broad-based and inclusive only if we continue to support economic growth.

Sincerely,
TERRY E. BRANSTAD
Governor

**SUPPLEMENT
TO THE
SENATE JOURNAL**

**Seventy-third General Assembly
1989 Regular Session**

SENATE BILLS APPROVED, ITEM VETOED, OR VETOED SUBSEQUENT TO ADJOURNMENT

The following is a record of action on Senate Files by the Governor and transmitted to the Secretary of State after the close of the 1989 Regular Session:

- 14 — Relating to regulation, including the regulation of educational services and of practice professions, and making penalties applicable. Approved 5-27-89.
- 31 — Relating to the violation of a law or rule of a health care facility, providing a penalty, and providing for the repeal of a penalty. Approved 5-27-89.
- 46 — Relating to the employment of inmates and prisoners. Vetted 5-8-89. See Governor's Veto Message.
- 56 — Establishing familial status as a protected class in Iowa's discriminatory housing law and providing an exception for housing for elderly persons and certain owner-occupied housing. Approved 5-22-89.
- 71 — Authorizing a special land use district to designate an area for preservation as an area of historical significance. Approved 5-8-89.
- 86 — Relating to the authority of a city to levy a tax for the support of municipal bands and other musical groups and support of certain tax exempt artistic and cultural organization. Approved 5-22-89.
- 88 — Relating to children, youth, and families, providing for the collection, development, and dissemination of statistical information, eliminating certain requirements for review and reporting by the county board of social welfare, providing for the continued existence of the division of children, youth, and families in the department of human rights, and providing an effective date. Approved 5-23-89.
- 111 — Relating to foreign money judgments and providing an effective date. Approved 5-18-89.
- 118 — Relating to the administration of a state's liquor control laws by the alcoholic beverages division of the department of commerce. Approved 5-15-89.
- 119 — Relating to state financial management by revising provisions governing the reversion of appropriations, the prescribing of uniform accounting systems and forms, account coding to identify authorizing statutes, and authorization for the prepayment of claims, and providing properly related matters. Approved 6-1-89.

- 122 — Relating to the practice of tattooing and providing penalties. Approved 5-11-89.
- 132 — Relating to the fee retained by county treasurers for use tax collection on vehicles. Approved 5-18-89.
- 141 — Relating to statutory corrections which adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, and remove ambiguities. Approved 6-3-89.
- 153 — Relating to the department of inspections and appeals by providing for income tax refund and rebate setoff procedures by the investigations division, and use tax. Approved 5-29-89.
- 154 — Relating to the state's cigarette and tobacco products tax; fuel tax; withholding tax; corporate and personal income tax; sales, services and use tax; franchise tax; hotel and motel tax; property tax exemptions; and inheritance and estate taxes; and providing a penalty. Approved 5-29-89.
- 157 — Relating to driving privileges of fourteen-year-old drivers, permitting attendance at approved driver education courses, requiring completion of driver education before issuance of a school license, changing time limits on use of a school license, and providing an effective date. Approved 5-31-89.
- 167 — Specifying that under certain circumstances a city is not contiguous to another for purposes of a local option sales and services tax. Approved 5-8-89.
- 170 — Relating to personnel serving the consumer advocate division of the department of justice and the utilities division of the department of commerce, deleting provisions relating to the consumer advocate's authority to utilize employees of the utilities division, expanding the authority to employ consultants and technical advisors pursuant to contract, revising provisions relating to compensation, and providing effective dates. Approved 5-15-89.
- 185 — Relating to the hotel and motel tax and providing an exemption. Approved 6-3-89.
- 186 — Relating to the updating of the reference to the Internal Revenue Code, and providing refund provisions for certain income and inheritance tax payments, and providing applicability and effective dates. Approved 6-1-89.
- 213 — Exempting from the sales, services, and use tax the sale of certain films, tapes, discs, and records to a person engaged in the business of leasing, renting or selling these items and providing effective and retroactive effective dates. Approved 5-8-89.

- 215 — Relating to the sales and use tax and providing an exemption from tax for certain irrigation equipment. Approved 5-30-89.
- 220 — Relating to the winnings from and the taxes imposed on pari-mutuel wagering at racetracks in the state and providing applicability and effective dates. Approved 5-24-89.
- 223 — Relating to early childhood and kindergarten programs. Approved 5-22-89.
- 224 — Relating to student exercise of free expression in the public schools. Approved May 11, 1989.
- 233 — Providing for DNA profiling of certain criminal offenders. Approved 5-11-89.
- 256 — Relating to the allowable axle weights for vehicles transporting raw materials which are removed from a road under construction. Approved 5-22-89.
- 266 — Requiring electric utilities to have in effect a comprehensive energy management program before increase revenue requirements may be finally approved by the utilities board. Approved 5-8-89.
- 272 — Relating to insurance by providing for notice and review of contracts between insurers and managing general agents and providing for regulation of third-party administrators. Approved 5-26-89.
- 278 — Relating to the disclosure of information by continuing care retirement communities and senior adult congregate living facilities, and providing penalties. Approved 5-24-89.
- 291 — Relating to security interests in mobile homes by permitting the secured party to retain the mobile home title, and by permitting secured parties, including mortgagees, to apply for reconversion of a mobile home from real property to personal property. Approved 5-30-89.
- 295 — Relating to school bus driver education requirements. Approved 5-26-89.
- 349 — Relating to the provision of potable water and sanitary cups by a railroad in all locomotive engine and caboose areas, and providing for enforcement. Approved 5-22-89.
- 361 — Relating to reverse annuity and graduated payment mortgages, by providing for their regulation by the administrators of the divisions of banking, savings and loan associations, and credit unions, of the department of commerce, and imposing certain standards and restrictions. Approved 5-31-89.

- 366 — Authorizing a city to seek a judgment against a property owner for improvements made to the property. Approved 5-30-89.
- 369 — Making a supplemental appropriation to complete the GAAP implementation schedule for the merged area schools' general operations and to continue the ethanol truck project, and requiring the release and allocation of previously appropriated funds, requiring reimbursement for the auditor of state, and providing an effective date. Approved 5-8-89.
- 371 — Relating to elections and election procedures. Approved 5-8-89.
- 386 — Eliminating refunds from excise taxes on egg sales. Approved 5-8-89.
- 391 — Relating to reporting county jail information to the director of the department of corrections. Approved 5-15-89.
- 407 — Relating to unclaimed intangible personal property by providing for the treatment of claims in the course of the dissolution of a corporation in the same manner as unclaimed property held by a court or by the state and by altering certain aspects of claim administration, distribution of moneys, and other matters properly related with the disposition of unclaimed personal property and procedures related thereto. Approved 6-1-89.
- 419 — Relating to energy efficiency and providing effective dates. Approved 6-3-89.
- 423 — Exempting from state taxes certain bonds and notes issued by the agricultural development authority. Approved 5-18-89.
- 426 — Relating to sexual abuse, including sexual abuse in the third degree and sexual abuse which constitutes a forcible felony, to release on appeal from a conviction of sexual abuse in the third degree, to evidence admissible in an action for damages arising from an injury resulting from an act of sexual abuse, and providing penalties. Approved 5-8-89.
- 428 — Relating to the installation and use of telecommunications devices for deaf persons in an enhanced 911 service area. Approved 5-11-89.
- 434 — Relating to elimination of the filing and docketing fee for a petition for modification of a dissolution decree and reduction of the fee for a certificate and seal and increasing certain other probate fees. Approved 5-22-89.
- 441 — Relating to the plugging of abandoned wells, by providing assistance to well owners, providing for well inspection and certification, providing for fees, making a civil penalty applicable, providing an effective date, and providing for repeal of a portion of the Act. Approved 6-1-89.
- 449 — Relating to vocational education and requesting a study. Approved 6-1-89.

- 450 — Relating to educational standards, permitting waiver of student participation in physical education under certain circumstances if the student is participating on an athletic team, and making technical changes. Approved 5-23-89.
- 459 — Relating to payment of a senior judge's medical insurance premium and annuity. Approved 5-15-89.
- 462 — Relating to credit transactions by changing the maximum service fee on loans by industrial loan companies, by changing the maximum finance charge for certain consumer loans pursuant to open-end credit. Approved 6-3-89.
- 466 — Allowing a speculative industrial building built by a local community development organization to be eligible under the rural community 2000 loan program as a new infrastructure. Approved 5-22-89.
- 470 — Relating to waste minimization and disposal. Approved 5-27-89.
- 474 — To establish a pseudorabies control program and providing for penalties and the repeal of a chapter. Approved 6-1-89.
- 488 — Relating to solid waste disposal and providing penalties. Approved 6-1-89.
- 491 — Relating to the destruction of the contents of an original court file. Approved 5-15-89.
- 497 — Relating to transportation certificates for livestock by requiring inclusion of the driver's license number of the owner of the livestock on the transportation certificate. Approved 5-22-89.
- 502 — Relating to business corporations, and related matters including the elimination of filing of corporate documents with the county recorder for all forms of corporate entities, and providing a special effective date. Approved 6-1-89.
- 508 — Relating to liens on real or personal property and providing a remedy and an effective date. Approved 5-15-89.
- 512 — Relating to chemical emergencies, providing for the establishment of the Iowa emergency response commission and specifying its powers and duties, providing for intergovernmental agreements, providing for the designation of local emergency planning districts and the appointment of local emergency planning committees, providing for immunity from liability, providing disclosure requirements, authorizing civil actions by the commission, and providing properly related matters. Approved 5-22-89.
- 515 — Relating to the assessment and valuation of special purpose tooling property. Approved 5-18-89.

- 517 — Relating to and making appropriations to various state agencies including certain state elected officials, the executive council, the department of general services, the department of personnel, the department of revenue and finance, the office of state-federal relations, and the department of management, appropriating certain membership fees, restricting the expenditure of moneys from the disaster aid contingent fund, revising provisions relating to life cycle cost analyses of public facilities, transferring moneys in the Iowa economic emergency fund to the general fund of the state, and providing an effective date. Item Vetoed and Approved 6-5-89. See Governor's Item Veto Message.
- 519 — Relating to the administration of criminal justice, by providing for review of an offender's record, revocation of an offender's parole, restructuring the board of parole, and providing an effective date. Approved 6-1-89.
- 521 — 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 5-11-89.
- 522 — Relating to radon testing and abatement, and making a penalty applicable. Approved 5-26-89.
- 524 — Relating to roads and funding available for roads including appropriations of moneys to the affected jurisdictions, creating the county bridge construction fund and the city bridge construction fund, and creating the Iowa highway research board and providing for the board's compensation and expenses. Approved 6-2-89.
- 525 — Relating to excursion gambling boats, by providing licensing requirements, by providing for the allocation of revenue, by providing for the accounting of receipts, by providing restrictions on the operation of gambling games, and providing a penalty. Approved 5-8-89.
- 526 — To legalize proceedings of the city council of the city of Ventura relating to the method of payment for a construction project and providing an effective date. Approved 5-18-89.
- 531 — Relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund, state aviation fund, and abstract fee fund, providing for an exemption from reversion for certain funds, providing for the preservation of natural areas and historic sites in road design, construction, and maintenance, altering the fee for duplicate or replacement motor vehicle licenses and nonoperator's identification cards, extending the effective period of the temporary authority for the operation of certain commercial vehicles, mandating reports of certain agency purchases, providing for the issuance of special Pearl Harbor registration plates,

- requiring the state and its political subdivisions, under certain circumstances, to pay compensation to owners of off-premises advertising devices, and providing effective dates and retroactive application. Item Vetoes and Approved 6-5-89. See Governor's Item Veto Message.
- 536 — Relating to the compensation and benefits for public officials by specifying salary rates and ranges and related matters generally relating to the compensation of public officials and employees and providing an effective date. Item Vetoes and Approved 5-26-89. See Governor's Item Veto Message.
- 537 — Relating to the indexing of the standard deduction for income tax purposes, providing an earned income tax credit, relating to state individual income tax by giving capital gain deduction treatment to limited amounts of capital gain, and providing certain applicability dates. Approved 5-31-89.
- 538 — Relating to medical and health care, including matters relating to the maternal and child health program; the expansion of medical assistance eligibility for certain persons; physicians' charges for services to beneficiaries of health insurance under Title XVIII of the federal Social Security Act and providing for the collection and analysis of information; health care access and a study of health care insurance; the requirement of the department of human services to collect certain data relating to usage of health maintenance organization services by recipients of medical assistance; rural health systems delivery and related taxation and rural occupational health; requiring the department of human services to adopt rules to conduct studies regarding health care providers which are reimbursed under the medical assistance program; health care utilization; operation of the Iowa comprehensive health insurance association; making appropriations to certain state agencies; requiring certain employers to provide health insurance; providing a sales tax exemption to certain nonprofit health organizations; and providing for other properly related matters. Item Vetoes and Approved 6-5-89. See Governor's Item Veto Message.
- 539 — Relating to the taxation of certain pensions, annuities, and retirement allowances received for purposes of the state individual income tax and providing a retroactive applicability date. Approved 5-26-89.
- 540 — Relating to human services statutes providing for or regarding substance abuse commitment of juveniles, psychiatric medical institutions for children, the council on human services, mentally ill juveniles, child abuse, payment for a child's expenses, the schedule of basic needs under the aid to dependent children program, the costs of a child's care in a state juvenile institution, child support recovery, and certain administrative rules, properly related matters, providing for effective dates, and providing penalties. Approved 6-1-89.
- 541 — Relating to human services and making appropriations to the department of human services, other properly related matters, providing for retroactive

applicability, and providing an effective date. Item Vetoed and Approved 6-5-89. See Governor's Item Veto Message.

- 546 — Relating to budgetary matters by creating a legislative capital projects committee to review proposed capital projects and requires the governor to establish criteria for evaluating and funding the projects; requiring the use of the most recent estimate of the revenue estimating conference in the budget process; establishing a coordinated leasing program; requiring notification to the department of management and appropriations committees of any request for or loss of federal or nonstate funds; and extending the lottery. Item Vetoed and Approved 6-3-89. See Governor's Item Veto Message.

GOVERNOR'S VETO MESSAGE

May 8, 1989

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

Senate File 46, an act relating to the employment of inmates and prisoners, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 46 prohibits an inmate in our corrections system from accepting or engaging in any employment involved in a labor boycott or strike. I agree that we should not encourage inmates on work release to accept employment as strike breakers. Indeed, Department of Corrections officials, as a matter of policy, discourage that activity. However, this bill goes beyond that -- Senate File 46, in effect, causes any inmate working at a job before a strike or boycott to lose that job once the labor dispute arises. That's not fair or right.

To prevent an inmate, or any other Iowans, from engaging in the employment of their choice chips away at our right to work law. Inmates on work release are often discriminated against in other ways so as to make it difficult for them to obtain employment. This bill could actually take their legitimate jobs away from them.

In short, the right to remain on a job or to leave that job should continue to be the right of an employee. For the above reason, I hereby respectfully disapprove Senate File 46.

Sincerely,
TERRY E. BRANSTAD
Governor

GOVERNOR'S ITEM VETO MESSAGES

May 26, 1989

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 536, an act relating to the compensation and benefits for public officials by specifying salary rates and ranges and related matters generally relating to the compensation of public officials and employees and providing an effective date.

Senate File 536 is, therefore, approved on this date with the following exception which I hereby disapprove.

I am unable to approve the designated item in Section 9. This section would prevent any individual salary increases for department and division directors from exceeding 5.1 percent for fiscal year 1990.

The legislature appropriates funds, and establishes ranges of salaries for department directors and many other directors. These provisions are appropriate and acceptable as rights and responsibilities of the legislature. However, the Governor, in the exercise of the executive branch responsibilities, must retain the flexibility to set specific department and division director salary levels based upon performance. Indeed, I use salary policy to reward outstanding performance and to recognize less than adequate performance. Limiting increases to 5.1 percent would, therefore, negatively impact my ability to manage the executive branch's managerial responsibilities. We should not normalize all salary adjustments as is envisioned in this bill. Instead, they must continue to be performance based.

For the above reason, I respectfully disapprove this item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 536 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

June 3, 1989

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 546, a bill for an act relating to budgetary matters by creating a legislative capital projects committee to review proposed capital projects and requires the governor to establish criteria for evaluating and funding the projects; requiring the use of the most recent estimate of the revenue estimating conference in the budget process; establishing a coordinated leasing program; requiring notification to the department of management and appropriations committees of any request for or loss of federal or nonstate funds; and extending the lottery.

Senate File 546 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 7, in its entirety. By requiring the Governor to use the most recent estimate of the Revenue Estimating Conference "without revision", this provision would prevent me from presenting a budget which reflects proposed changes in current revenue streams. If the Governor had no ability to propose changes in revenue from that forecast by the Revenue Estimating Conference, it would be impossible to propose tax cuts or adjustments in revenues should such appear necessary. Clearly, the law now requires the Governor to base the budget on the Revenue Estimating Conference's projections and that will continue to be done. But explicit adjustments in those projections based on proposed revenues must be permitted.

I am unable to approve the item designated as Section 3, subsections d and g; the designated portion of Section 4, referring to the definition of "capital project"; and Section 8, in its entirety. While the concept of coordinated capital project planning and budgeting is important, these provisions relating to the evaluation and review of proposed capital projects would impose an inappropriate intrusion on executive branch administrative responsibilities.

I am unable to approve the items designated as Sections 9 through 27, in their entirety. These items would establish the Iowa Leasing Program Act and grant the State Treasurer coordination and oversight responsibilities of leasing arrangements in the executive branch. The creation of the Leasing Program would reduce the current powers of the Department of General Services to coordinate lease arrangements through its procurement responsibilities. The added bureaucracy created by this program would confuse the administration of this increasingly critical area.

Further, the Treasurer's Office was established as a separate elected position to assure its independence in the investment of state funds. Extending the Treasurer's role in the fundamental purchasing and procurement decisions of the executive branch would destroy that independence.

I am unable to approve the item designated as Section 3, subsection f; the designated portion of Section 28; and the item designated as Section 29, in its entirety. These provisions require the Department of General Services to maintain a statewide inventory of property, to receive reports from all state agencies regarding any addition or deletion from that inventory, and to report that inventory to the legislature. The legislature did not provide any resources for the Department

of General Services to assume the significant responsibilities created by this item. Each agency now is required to maintain separate inventories of property in a manner adequate to be incorporated in the Comprehensive Annual Financial Report of the State. Until adequate resources are provided to consolidate this function in the Department of General Services, each agency will have to continue to undertake this responsibility.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 546 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

June 5, 1989

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 517, a bill for an act relating to and making appropriations to various state agencies including certain state elected officials, the executive council, the department of general services, the department of personnel, the department of revenue and finance, the office of state-federal relations, and the department of management, appropriating certain membership fees, restricting the expenditure of moneys from the disaster aid contingent fund, revising provisions relating to life cycle cost analyses of public facilities, transferring moneys in the Iowa economic emergency fund to the general fund of the state, and providing an effective date.

Senate File 517 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 1, unnumbered paragraphs 3 and 4, and Section 31, in its entirety, which would establish a pilot project to provide county recorders on-line computer access to records maintained by the Secretary of State. Private enterprise is currently serving Iowans with access to these records without the use of taxpayers funds and, indeed, the private payroll contributes to the state's economy. As long as private enterprise is willing to provide this service, we should resist this unnecessary expansion of government.

I am unable to approve the item designated as Section 1, unnumbered paragraph 5, which calls for the purchase of computer hardware and software to begin computerization of election results for reporting on election night. Iowa's news media does an excellent job of gathering and reporting election results at no cost to the state and we should encourage this private enterprise to continue to do so, rather than add an unnecessary burden on Iowa's taxpayers.

I am unable to approve the item designated as Section 20, unnumbered paragraphs 4 and 5. This provision requires each state department to fill every newly created position within eight weeks of the approval of the legislation. In many cases, this requirement is impractical and inappropriate. This form of legislative micro-management clearly intrudes on executive branch management responsibilities.

Paragraph 5 of Section 20 requires that every specific accounts transfer to be reported to the General Assembly. The reporting requirements are not clearly defined and are burdensome.

I am unable to approve the designated portion of unnumbered paragraph 6 in Section 20. This provision requires the Department of Management to maintain the targeted small business set-aside program despite a Supreme Court decision to the contrary. Moreover, this provision requires the department to collect data to prove that the state discriminates against such business. Such a function of state government lacks credibility. This item veto will allow the department to operate the targeted small business program, consistent with the U.S. Supreme Court decision.

I am unable to approve the item designed as Section 30 in its entirety. This section details standards for a proposed Capitol Annex office building. There is no need for such standards -- no such building is to be built.

I am unable to approve the item designated as Section 31, in its entirety. With the veto of the pilot program for the county recorder direct access program, this section is unnecessary.

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 517 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

June 5, 1989

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 531, an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund, state aviation fund, and abstract fee fund, providing for an exemption from reversion for certain funds, providing for the preservation of natural areas and historic sites in road design, construction, and maintenance,

altering the fee for duplicate or replacement motor vehicle licenses and nonoperator's identification cards, extending the effective period of the temporary authority for the operation of certain commercial vehicles, mandating reports of certain agency purchases, providing for the issuance of special Pearl Harbor registration plates, requiring the state and its political subdivisions, under certain circumstances, to pay compensation to owners of off-premises advertising devices, and providing effective dates and retroactive application.

Senate File 531 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 20, in its entirety. This provision appropriates \$250,000 from the general fund for airport terminal improvements. This new appropriation cannot be approved, given the level of excessive state spending in Fiscal Year 1990. Moreover, this appropriation duplicates a similar provision included in Section 19 of this bill.

I am unable to approve the items designated as Section 21 and Section 40, in their entirety. These sections of the bill appropriate \$300,000 from the state aviation fund to a new Iowa Air Link Commission. Diverting these funds from the aviation fund would drastically reduce the effort of the DOT in improving runways in communities throughout the state. As a result, I cannot approve of this further diversion of funds.

Moreover, a study is underway by the Department of Economic Development and the Department of Transportation to develop a comprehensive plan for the air transportation system in the state of Iowa. Such a plan is critically needed to further the economic development of Iowa. Any new air program should await the results of that comprehensive study.

Finally, we should not be creating separate commissions to handle each mode of transportation. The DOT is rightly charged as handling all modes of transportation and this separate commission established in this bill would adversely affect our efforts to establish a comprehensive transportation policy in the state.

I am unable to approve the items designated as Sections 26 and 27, in their entirety. These items establish restrictions which could prevent the completion of the Cedar Valley Nature Trail project. DOT and the Iowa Natural Heritage Foundation are working very closely to complete this trail. The other trails mentioned in these sections will be reviewed by the DOT in the trails program that they are administering, therefore, these sections should not be included in Senate File 531.

I am unable to approve the item designated as Section 39, in its entirety. This item is not necessary to be codified because the Iowa Regional and Short Line Railroad Association and the Department of Transportation have agreed to develop annual reporting criteria.

I am unable to approve the items designated as Sections 44 and 45, in their entirety. These sections of the bill prohibit appropriation transfers and set up excessive reporting requirements for purchases. The current reporting and transfer criteria and practices serves the legislature and the citizens of Iowa appropriately. This proposed criteria infringes on the executive branch's managerial authority.

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 531 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

June 5, 1989

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 538, an act relating to medical and health care, including matters relating to the maternal and child health program; the expansion of medical assistance eligibility for certain persons; physicians' charges for services to beneficiaries of health insurance under Title XVIII of the federal Social Security Act and providing for the collection and analysis of information; health care access and a study of health care insurance; the requirement of the department of human services to collect certain data relating to usage of health maintenance organization services by recipients of medical assistance; rural health systems delivery and related taxation and rural occupational health; requiring the department of human services to adopt rules to conduct studies regarding health care providers which are reimbursed under the medical assistance program; health care utilization; operation of the Iowa comprehensive health insurance association; making appropriations to certain state agencies; requiring certain employers to provide health insurance; providing a sales tax exemption to certain nonprofit health organizations; and providing for other properly related matters.

Senate File 538 appropriates \$4.5 million for various new health and medical care programs.

Given the fiscal constraints of the state budget, particularly for Fiscal Year 1991, I was required to scrutinize these programs with great care. Without some reduction in the ongoing costs of state government in Fiscal Year 1991, the state would be placed in a deficit position or forced to increase taxes. I cannot accept either option.

Indeed, a number of the programs included in this bill increase the potential liability of the state's taxpayers for additional expenditures in the future. At the same time, I understand and support reasonable efforts to help provide medical care to the most vulnerable people in our state. And, I understand the important role that government and the private sector must play as partners in that effort. As a result, I have scrutinized this bill very carefully in an effort to make certain that the state is taking appropriate first steps to provide for such care without threatening the state's taxpayers with a major tax increase.

In short, my actions on this bill are designed to be sensitive to the highest priority needs of Iowans who are threatened by the lack of health care insurance, while prudently planning for longer term solutions to this problem. I also was guided by a desire to avoid major tax increases on our citizens and to keep our small businesses competitive.

Specifically, I am approving a significant expansion of the Medicaid program to cover pregnant women and children under the SOBRA program. Coverage will be provided to pregnant women or infants up to 185 percent of the poverty level; significant additional services are added to the Medicaid program to aid women and children in greatest need. Unfortunately, the General Assembly did not fully fund this Medicaid expansion. As a result, I am required to veto other portions of the bill in order to ensure that this -- the highest priority of our health care plan -- is implemented this year.

I am approving expansions of our maternal and child health care programs, additional funds to provide physicians care for children in dire need of primary and preventive medical assistance; and the establishment of a new public/private partnership to provide additional health care coverage for children and each of these actions represents a significant commitment on the part of the state to provide both preventive and primary medical care to pregnant women and children who are without medical insurance coverage. In addition, we are undertaking a comprehensive study of the uninsured population in our state. I will be developing recommendations to the General Assembly in January for further actions that the state and/or the private sector might take to deal with this problem in both a cost effective and appropriate way.

Senate File 538 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 104, in its entirety. This Section requires the Department of Human Services to negotiate with maternal and child health care centers so that the "full cost" of these services is received by the providers. Such a mandate for renegotiation of rates allows for no negotiation at all; with a state mandate to provide "full costs", the state's bargaining position would be substantially weakened. While providers should receive reasonable costs for their services, the General Assembly should allow the Department of Human Services to negotiate the appropriate level of those costs to ensure that the state's funds are being well spent.

I am unable to approve the item designated as Sections 402, 403, 404, 405, and 406, in their entirety. These provisions in Senate File 538 establish a health care insurance plan to provide primary and preventive health care insurance coverage to all Iowans who are not now covered by insurance. A health care insurance pool is established and its specific effective dates and coverage levels are provided for in this section. The pool would presumably be funded through a combination of state and private dollars. But a funding mechanism is noticeably absent from the bill. This division of the bill also requires a comprehensive study of the state's health insurance needs and the means to meet the needs of those not covered by health insurance.

Indeed, I have already commissioned a study on this same issue and the preliminary report of the study indicates that the total costs of providing for those needs could be up to \$251 million. My health care insurance task force is in the process of reviewing those numbers and developing options the state may select in attempting to deal with the most serious needs of uninsured Iowans. We expect that report to be received some time this fall. Obviously, the legislative study committee has not yet even met on this issue.

It would appear that the legislature has put the cart before the horse. Until the studies are completed on appropriate state options for dealing with the uninsured, the legislature should not be putting in statute a time line, eligibility requirements, and a specific pool which would likely require contributions by the state, employers and employees for purposes of providing mandatory health insurance for all of Iowa's uninsured. While I understand that these provisions would not become effective until the legislature enacts a funding formula, the specific provisions in these sections of the bill presume a particular outcome of the study before it is even completed. Moreover, it is likely that there will be federal action dealing with this issue within the next two years. Therefore, it would be much wiser for the state to carefully study the options that are available to it, take appropriate first steps to deal with the most vulnerable populations and then work to develop a public/private consensus on the appropriate next step at the state level to provide health care services to those in need. I plan to do just that. After reviewing the recommendations of my task force on health care insurance, I will be making recommendations to that effect for the next session of the General Assembly.

The expansion of SOBRA, the additional funds for M & CH clinics, funding for physician care for children in need of health care services, and the establishment of the public/private partnership to provide medical care for children that I have signed in this bill are all appropriate first steps. However, I am not comfortable committing to major tax increases or major increases in liability for our employers or employees in the state when a full study of this issue has not been completed and appropriate options have yet to be developed.

I am unable to approve the item designated as Section 603, in its entirety. This provision in Senate File 538 provides an exemption from the sales tax for equipment and supplies purchased by a number of health organizations which receive federal funds in the state. The Department of Revenue and Finance has not been able to fully estimate the fiscal impact of these exemptions at this time. Until such

a complete fiscal estimate can be conducted, additional sales tax exemptions in this area should not be authorized.

I am unable to approve the item designated as Section 902, in its entirety. This provision in Senate File 538 establishes a health care cost containment coordinating unit composed of the Director of the Department of Management, the administrator of the State Medical Assistance Program, and the Director of the Department of Personnel. An informal state health care costs containment coordinating unit has been established in the executive branch of state government. Moreover, the leader of that group is, and must be, the Director of the Department of Human Services. The Director of the Department of Personnel and the Director of the Department of Management are also important players as is the Director of the Department of Public Health. These individuals will continue to play a lead role in the state in the development of health care costs containment options for the public and private sectors.

I am unable to approve the item designated as Section 1104, subsections 2 and 3, in their entirety. These provisions in the bill would appropriate \$100,000 to the office of rural health for technical service and competitive research grants. While I have authorized the establishment of an office of rural health and \$50,000 to commence its establishment, I believe it is premature to provide funds to this office for competitive grants or technical assistance until this office is fully operational. I will be willing to review appropriate recommendations from the Department of Health for such purposes in the future.

I am unable to approve the item designated as Section 1105, in its entirety. This provision appropriates \$275,000 of general fund money for the first time to agriculture health and safety pilot programs. I do not question the importance of these programs -- I have maintained in language in the bill which strengthens statutory responsibilities for them. Indeed, I believe that the grant funds have been, and may continue to be found for these purposes. Given the fiscal constraints of the state, I cannot approve a substantial increase in the state funding for these new state pilot programs at this time. Moreover, I have provided for \$45,000 to the Department of Public Health for agriculture health and safety programs which can provide some coordination and assistance in this area.

I am unable to approve the item designated as Section 1107, in its entirety. This section of the bill appropriates an additional \$100,000 to the Health Data Commission. The authority granted to the Health Data Commission in Senate File 538 to do additional cost containment analysis is appropriate and has been approved. However, I do not believe that the commission needs an additional \$100,000 to accomplish this function. I have separately approved an additional appropriation of \$149,000 to the Commission to expand its operations. Those funds can and should be used to help meet the statutory requirements included in Senate File 538, as well.

I am unable to approve the item designated as Section 1109, in its entirety. This section appropriates \$500,000 for the establishment of a rural health care pilot program. After consulting with the officials involved in the development of this bill and the Department of Public Health, it appears that this new

appropriation has not been fully considered or developed. Given the significant underfunding in the SOBRA program, it would appear that the \$500,000 approved in this new pilot program would be better spent allowing us to expand the SOBRA program to provide care to pregnant women and children. In addition, the substantial additional funds already approved in this bill for primary and preventive care for children also represent an additional commitment by the state in this area.

I am unable to approve the item designated as Section 1112, subsection 2, in its entirety. This subsection provides a new appropriation of \$50,000 for AIDS coalitions throughout the state. Given the fiscal constraints of the state, this new expenditure can not be justified at this time.

I am unable to approve the item designated as Section 1113 in its entirety. This provision in Senate File 538 appropriates \$200,000 to a legislative council to conduct a health care study. As I have indicated previously, such a study is already well underway by my health insurance task force, which includes representatives of the General Assembly. Clearly, the legislative council, can and should, commence efforts to develop options to deal with those who are without health insurance in our state. However, the council can make use of the substantial data and work that has been done by the executive branch's study without the expenditure of an additional \$200,000 for a consultant.

In short, Senate File 538 provides for a substantial expansion of the state's commitment to health care in Iowa. The Medicaid program is significantly expanded to include the coverage for pregnant women and children; additional primary and preventive care is provided to children through a public/private partnership and the Department of Public Health, an office of rural health is established to help coordinate serious health care needs in rural areas, and additional funds are provided for well elderly clinics and to provide additional homemaker/health services for the elderly who wish to stay in their homes. I believe all these are appropriate steps forward.

However, in order to fund these programs, I am required to veto some of the new spending that is included in this bill. Many of the appropriations that have been vetoed are duplicative of expenditures made elsewhere in the budget and for that reason, are unnecessary. I have attempted with my actions in this bill to ensure that the state will take a prudent and sensitive step forward in caring for those who are most in need of health care. We can and must avoid the specter of a major tax increase and still provide for a detailed and comprehensive study of the appropriate next step for state and private action to deal with Iowans in need of health care.

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 538 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

June 5, 1989

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 541, an act relating to human services and making appropriations to the department of human services, other properly related matters, providing for retroactive applicabilty, and providing an effective date.

Senate File 541 provides substantial additional funding for human services programs. A state appropriations increase of approximately ten percent or approximately \$39 million is provided to the department for Fiscal Year 1990. This substantial increase in funds is used to provide for a four percent increase in AFDC benefits and four percent and 2.25 percent reimbursement increases for social services and Medicaid providers, respectively. Increases for child care, welfare reform, foster care reform and aid to the elderly are also included in the bill. I believe these adjustments are appropriate and I am signing them into law.

However, given the fiscal constraints of the state, particularly in Fiscal Year 1991, I cannot approve every new program that has been authorized in this legislation. Moreover, funding included in this bill to provide further expansion of the Medicaid program is subject to receipt of federal approval. Such approval has not yet been received and is unlikely to be received for some time. In short, funding to ensure a balanced budget in Fiscal Year 1991 must be eliminated from this bill and can be eliminated without adversely impacting current recipients of critical human services in our state.

Senate File 541 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the designated portion of Section 2, subsection 3. This provision would hamstring the state's ability to contain costs in the Medicaid program. Currently, the state is moving toward use of contract purchases or HMO's in order to obtain volume discounts for services provided through the Medicaid program. This method of contracting for services is one of the most significant tools needed to contain health care costs. Unfortunately, the language included in this subsection of Senate File 541 would strictly limit the ability of the department to use health maintenance organizations for Medicaid and would also prevent the inclusion of all covered services in the Medicaid program in a contract with an HMO. These restrictions would have the impact of further driving up Medicaid costs and cannot be approved.

I am unable to approve the item designated as Section 4, subsection 2, in its entirety. This provision appropriates \$110,000 and establishes a new program to provide supplemental payments to providers who care for disabled persons

considered difficult to serve. There has not been sufficient study done to review the cost effectiveness of such a program. Moreover, I have signed into law a substantial increase in the family support subsidy program which is used by families to care for MH/MR/DD individuals in their homes rather than in institutions. We should carefully monitor the cost effectiveness of that program prior to starting new programs to provide additional funding for similar purposes.

I am unable to approve the items designated as Section 8, subsections a, b, f, g and h. These provisions in Senate File 541 run contrary to the recommendations of the welfare reform council. The council recommends that the training portions of our Project Promise welfare reform model and the federal JOBS program be administered through the Department of Employment Services and the Department of Economic Development. Focusing the training programs in the agencies that administer the remainder of the state's training efforts would provide for a cost effective and comprehensive method of ensuring that welfare recipients receive the training they need to become independent and self-sufficient.

These items vetoed in Senate File 541 would set up a duplicative training structure: the Department of Human Services would continue to operate the individual education and training program and the WIN program in counties where such programs were in operation on July 1, 1988; counties not previously served by the WIN program would have their training programs run by the IDED and DES. Such a duplicative structure would likely cause confusion and would limit the state's ability to provide for a comprehensive and cost effective job training program for individuals who are working to get off welfare.

I understand the concern of some to provide for a smooth transition of the administration of the job training programs from DHS to IDED and DES job training programs. This is particularly important given the fact that federal law requires that these programs be in operation by July 1 of this year. As a result, I have directed our welfare reform council and, most specifically, the effected agencies, to work closely to structure a transition program over the next six months that will minimize the disruption for individuals who receive training services under our welfare reform program and for those who provide such services. The department heads have assured me that a smooth transition can be accomplished.

In addition, I have item vetoed language which would hamper our ability to move individuals from a state of dependency to independence. Specifically, provisions in this bill limit the requirements that all individuals on welfare participate in a job training and education program. The department has filed rules requiring participation in education and training programs. I believe that training and education are absolutely critical to ensuring long term employability for individuals on welfare. Therefore, we should not be taking actions in this bill to restrict the training and education requirements of the Project Promise program.

I am unable to approve the designated portion of Section 12, subsection 6. This provision would prevent the reversion of unused funds in the foster care home insurance program from reverting to the general fund of the state. Such anti-reversion language is fiscally unsound and prevents an annual review of the cost effectiveness of the program.

I am unable to approve the designated portion of Section 12, subsection 8. This subsection of the bill continues the decategorization pilot project for foster care and expands it. If federal approval is granted, I am willing to work with the department, the General Assembly, and the counties to review ways in which those services can be appropriately funded. Until that time, I cannot approve provisions which prohibit the reversion of those unused funds to the state.

In sum, Senate File 541 provides substantial additional funds to programs to assist the elderly; provide child care to needy families; expand the Medicaid program for those who are most in need of health care in our state; and reform our foster care system. This bill also provides increases in the reimbursement levels for AFDC and human services providers. All those provisions have been signed into law.

However, I have vetoed out language which could reduce the effectiveness of our welfare reform program or provide an unnecessary burden on our state's general fund at this time.

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 541 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

IN MEMORIAM**Senate**

Fisher, J. Louis	December 12, 1908—April 19, 1987
Miller, Elizabeth R.	August 24, 1905—December 31, 1988
Patton, John W.	April 27, 1905—March 8, 1989
Schwengels, Forrest V.	August 27, 1915—April 10, 1989
Vincent, Howard L.	December 30, 1910—August 9, 1988

J. LOUIS FISHER

MADAM PRESIDENT: J. Louis Fisher of Osceola, was born December 12, 1908, in Decatur County, Iowa. He passed away April 19, 1987 in Des Moines, at the age of 78 years.

Mr. Fisher was a graduate of Van Wert High School. He obtained a B.A. degree from Simpson College in 1933, and did graduate work at Drake University in Des Moines. He married Audra Lynn on August 3, 1933. They were the parents of a son Harry of Des Moines and have two grandchildren and three great-grandchildren.

Senator Fisher was elected to the Iowa Senate in 1957 and served in the 57th, 58th, 59th, and 60th General Assemblies.

Mr. Fisher was a coach and a teacher at Osceola High School from 1941 to 1943; served as Lieutenant in the United States Navy during World War II from 1943 to 1945. He was the owner of Fisher Firestone for 20 years. He was a member of Osceola school board nine years, president four years; chairman of the Osceola city council six years; trustee of the Methodist church six years. He was also a member of the Masonic lodge, American Legion, and Veterans of Foreign Wars.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-THIRD GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable J. Louis Fisher, 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 the State and tenders its sympathy and kindest regards to the 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.

LEONARD L. BOSWELL
JOHN PETERSON
CALVIN O. HULTMAN

Committee

ELIZABETH RUBY MILLER

MADAM PRESIDENT: Elizabeth Ruby Miller was born August 24, 1905, in Marshall County, Iowa, and was a lifelong resident of that community. She passed away December 31, 1988, at her home in rural Marshalltown, at the age of 83 years.

Mrs. Miller attended public school in Marshalltown and graduated from Marshalltown High in 1923. She married John Bascom Miller on September 5, 1923. They had two sons, John B. of Titonka, Edward J. of Marshalltown, and two daughters, Mary Lou Speas and Betty Arlene Weeden, both of Marshalltown.

Mrs. Miller was a housewife who was devoted to her husband and family, and very active in the First Congregational Church, Republican Women's organizations, Farm Bureau, Federated Women's Club, Marshalltown Women's Club, American Institute of Parliamentarians, National Federation of Business & Professional Women's Club and the National Order of Women Legislators.

Senator Miller served in the Iowa Legislature from 1969 to 1980, the first four years as a state representative and then as a state senator for eight years. Her major issues were environmental and agricultural.

She was Parliamentarian of the Iowa Federation of Republican Women, and was in Who's Who of American Women, Who's Who in Government and Who's Who in America.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-THIRD GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Elizabeth Ruby Miller, 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 her service to the State and tenders its sympathy and kindest regards to the members of her 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.

JOHN SOORHOLTZ, Chair
EMIL HUSAK
CHARLES BRUNER

Committee

JOHN W. PATTON

MADAM PRESIDENT: John W. Patton, 83 of Independence, passed away March 8, 1989. He was born in Ford County, Illinois, on April 27, 1905, to John and Mary Patton.

Mr. Patton was educated in Delaware and Buchanan Counties. In 1932 he married Alma E. Becker. They have one daughter, Lois Jeanne Brimmer of Independence, Iowa, and one son, Douglas John of Washington, D.C. They also have six grandchildren and six great-grandchildren.

Senator Patton was elected to the Iowa Senate in 1964 and served for four years in the 61st and 62nd General Assemblies. He also served as a state representative in 1971 and 1972 in the 64th General Assembly.

Mr. Patton was director and past president of the Buchanan County Rural Electric Cooperative (REC). He was also a voting delegate to Washington, D.C. for the REC. He was owner-operator of a 235-acre farm. He was a Democratic

Committeeman, a past member of the A.S.C. Board, a Township Trustee, and treasurer of the local telephone company. Mr. Patton also was a member of the Masonic Lodge and Methodist Church.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-THIRD GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable John W. Patton, 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 the State and tenders its sympathy and kindest regards to the 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.

LARRY MURPHY, Chair
PAUL PATE
EMIL HUSAK

Committee

FORREST V. SCHWENGELS

MADAM PRESIDENT: Forrest "Frosty" Schwengels, 73, of Fairfield, passed away April 10, 1989. He was born in Sheffield, Iowa, on August 27, 1915.

Mr. Schwengels attended schools in Sheffield, Iowa and Chicago, Illinois. He attended Northeast Missouri State Teachers College; received his B.A. from Parsons College, his M.A. from Georgetown University and did doctorate study at Indiana University. He married Betty Pickett in 1943. They had two sons; Paul, of Takoma Park, MD and Forrest II of Poquoson, VA; a daughter Suzanne Schwengels of Des Moines; and six grandchildren.

Senator Schwengels was first elected to the Iowa Senate in 1972 and served in the 65th, 66th, 67th, 68th, 69th, 70th, 71st, and 72nd General Assemblies. During those sixteen years in the Iowa Senate he was an early leader on natural resource issues and led lawmakers in pioneering erosion control. He was author of soil-conservation policies that have set the mark for the nation.

Mr. Schwengels served twenty-three years in the U.S. Air Force. He retired as a Lt. Colonel in 1963. He was a professor at Parsons College from 1963 to 1973.

He was a member of the Farm Bureau, Lions Club, Elks Club, Masons, Retired Officers Association, Air Force Association, Phi Sigma Epsilon, American Legion, Veterans of Foreign Wars, Chamber of Commerce, Shrine, Indian Hills Community College Foundation, Soil Conservation Society of America, and the Historical Society.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-THIRD GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Forrest V. Schwengels, 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 the State and tenders its sympathy and kindest regards to the 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.

H. KAY HEDGE, Chair
EUGENE FRAISE
MARK R. HAGERLA

Committee

HOWARD L. VINCENT

MADAM PRESIDENT: Howard L. Vincent was born December 30, 1910, at Williamson, Iowa, and was a lifelong resident of Lucas County. He passed away August 9, 1988, at the age of 77 years.

Mr. Vincent attended rural schools in Lucas County and graduated from Chariton High School in 1931. He attended Lewis Institute in Chicago, Illinois. He married Pauline Barker of Russell, Iowa, in 1936 and they were parents of two daughters; Elzan McMurry of Franklin, Missouri, and Dianne Mitchell of York, Nebraska; a son Jacob of Harlingen, Texas; and a foster son, Lloyd Hardesty of Mulvane, Kansas. They also have thirteen grandchildren and four great-grandchildren.

Senator Vincent was elected to the Iowa Senate in a special election in 1963 and served the remaining two years of W. C. Stuart's term in the 60th General Assembly.

Mr. Vincent was a pioneer in the Chariton Valley Electric Cooperative. He was a member of the Southcentral Mutual Insurance Association board of directors and was an agent with this association for all of his married life.

Mr. Vincent was active in the Sunny Slope Church of Christ at Confidence, Iowa. He was a lay preacher and teacher in the church. He was a 20-year member of the board of directors at York College in York, Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-THIRD GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Howard L. Vincent, 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 the State and tenders its sympathy and kindest regards to the 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.

JOHN A. PETERSON, Chair
DONALD E. GETTINGS
H. KAY HEDGE

Committee

AMENDMENTS FILED

**During The
Seventy-third General Assembly
1989 Regular Session**

S-3001

- 1 Amend Senate Resolution 1 as follows:
- 2 1. Page 44, line 17, by inserting after the word
- 3 "vote" the following: "or division".

JIM LIND

S-3002

- 1 Amend Senate File 39 as follows:
- 2 1. By striking page 1, line 18 through page 2,
- 3 line 3 and inserting the following:
- 4 "2. In addition to the moneys available under
- 5 subsection 1, the board of directors may submit a
- 6 proposal to the qualified electors of the school
- 7 district at a regular school election or at a special
- 8 election, to determine whether to authorize an
- 9 additional property tax levy, or a combination of an
- 10 enrichment property tax and income surtax, certified
- 11 and levied as provided in sections 442.14 through
- 12 442.20, to pay the actual cost of an asbestos project.
- 13 If a majority of the qualified electors voting on the
- 14 proposition approves the additional property tax levy,
- 15 or the combination of a property tax levy and income
- 16 surtax, the property tax levy or the combination of a
- 17 property tax levy and income surtax, may be certified
- 18 and levied for not more than three consecutive years.
- 19 The amount of revenues raised shall not exceed the
- 20 actual cost of the asbestos project."
- 21 2. By renumbering as necessary.

COMMITTEE ON WAYS AND MEANS
WILLIAM DIELEMAN, Chairperson

S-3003

- 1 Amend Senate Concurrent Resolution 1 as follows:
- 2 1. Page 1, line 9, by inserting after the word
- 3 "house," the following: "a form on which the auditor
- 4 shall designate one public library in the auditor's
- 5 county to receive".
- 6 2. Page 1, line 16, by striking the word
- 7 "officers" and inserting the word "libraries".
- 8 3. Page 1, line 19, by inserting after the word
- 9 "each" the following: "public library designated by
- 10 the".

11 4. Page 1, line 21, by striking the word
12 "auditor" and inserting the word "library".

MICHAEL E. GRONSTAL
EMIL J. HUSAK

S-3004

1 Amend Senate File 38 as follows:
2 1. Page 2, line 22, by striking the word
3 "continues" and inserting the word "expands".
4 2. Page 2, by striking lines 27 and 28 and
5 inserting the following: "education shall include
6 both the general fund moneys which must be equal to
7 those used prior to July 1, 1987, and the phase III
8 moneys which expand the activity and is for".
9 3. Page 2, line 29, by striking the words "have
10 met" and inserting the word "meet".

JIM LIND

S-3005

1 Amend Senate File 59 as follows:
2 1. Page 1, by striking lines 9 through 12 and
3 inserting the following: "provided in this section."
4 2. Page 1, line 23, by inserting after the word
5 "receipt" the following: "unless the board of the
6 district of residence determines that transmission of
7 the request will result in a loss of greater than ten
8 percent of the district's certified enrollment for
9 that year. If, however, a failure to transmit a
10 request will result in enrollment of students from the
11 same nuclear family in different school districts,
12 the request shall be transmitted to the receiving
13 district for enrollment. The board of each school
14 district shall adopt a policy relating to the order in
15 which requests for enrollment in other districts shall
16 be considered. Requests for enrollment in another
17 district which are denied, because of the ten percent
18 limitation on enrollment loss, shall be given priority
19 over new requests in the next succeeding school
20 years".
21 3. Page 1, by striking lines 27 through 30 and
22 inserting the following: "pupil. In all districts
23 involved with volunteer or court-ordered
24 desegregation, minority and nonminority student ratios
25 shall be maintained according to the desegregation

- 26 plan or order. The superintendent of a district
 27 subject to volunteer or court-ordered desegregation
 28 may deny a request for transfer under this section if
 29 the superintendent finds that enrollment or release of
 30 a pupil will adversely affect the superintendent's
 31 district's compliance with the desegregation order or
 32 plan. A parent or guardian, whose request has been
 33 denied because of a desegregation order or plan, may
 34 appeal the decision of the superintendent to the board
 35 of the district in which the request was denied. The
 36 board may either uphold or overturn the
 37 superintendent's decision. A decision of the board to
 38 uphold the denial of the request is subject to appeal
 39 under section 290.1."
- 40 3. Page 2, line 9, by striking the word "the" and
 41 inserting the word "a".
- 42 4. Page 3, line 4, by striking the line, and
 43 inserting the following: "or a decision or order of a
 44 board of directors under section".
- 45 5. Page 3, line 5, by inserting after the numbers
 46 "~~280.16~~" the numbers "282.18".
- 47 6. Page 3, by striking lines 15 through 19.
- 48 7. By renumbering as needed.

COMMITTEE ON EDUCATION
 LARRY MURPHY, Chairperson

S-3006

- 1 Amend Senate File 59 as follows:
 2 1. Page 2, by striking lines 13 through 16 and
 3 inserting the following: "pay to the receiving
 4 district the state foundation aid paid to the district
 5 of residence under chapter 442 for the pupil for that
 6 school".

JOHN W. JENSEN

S-3007

- 1 Amend Senate File 59 as follows:
 2 1. Page 2, by striking lines 26 through 32 and
 3 inserting the following:
 4 "A student's participation in interscholastic
 5 athletic contests, athletic competitions or any
 6 organized practice sessions shall be governed by rules
 7 adopted under section 280.13 by the state board of

8 education which relate to participation in
9 interscholastic contests and competitions.”

JIM LIND

S-3008

- 1 Amend Senate File 59 as follows:
- 2 1. Page 1, line 32, by striking the word “four”
- 3 and inserting the following: “two”.
- 4 2. Page 1, line 34, by striking the word “four-
- 5 year” and inserting the following: “two-year”.
- 6 3. Page 2, line 2, by striking the word “four-
- 7 year” and inserting the following: “two-year”.
- 8 4. Page 2, line 10, by striking the word “four-
- 9 year” and inserting the following: “two-year”.

WALLY HORN

S-3009

- 1 Amend amendment, S-3005, to Senate File 59 as
- 2 follows:
- 3 1. Page 1, line 7, by striking the word “ten” and
- 4 inserting the following: “five”.
- 5 2. Page 1, line 17, by striking the word “ten”
- 6 and inserting the following: “five”.

RICHARD DRAKE
LEONARD BOSWELL

S-3010

- 1 Amend Senate File 59 as follows:
- 2 1. Page 1, line 32, by striking the word “four”
- 3 and inserting the following: “one”.
- 4 2. Page 1, line 34, by striking the word “four-
- 5 year” and inserting the following: “one-year”.
- 6 3. Page 2, line 2, by striking the word “four-
- 7 year” and inserting the following: “one-year”.
- 8 4. Page 2, line 10, by striking the word “four-
- 9 year” and inserting the following: “one-year”.

RAY TAYLOR

S-3011

- 1 Amend Senate File 59 as follows:
- 2 1. Page 1, line 13, by striking the word "Not"
- 3 and inserting the following: "By September 15 of the
- 4 preceding school year the parent or guardian shall
- 5 informally notify the district of residence, and not".

JOHN KIBBIE

S-3012

- 1 Amend Senate File 59 as follows:
- 2 1. Page 1, line 19, by inserting after the word "the" the
- 3 following: "academic".

CALVIN O. HULTMAN

S-3013

- 1 Amend Senate File 59 as follows:
- 2 1. Page 2, by striking lines 12 through 17 and
- 3 inserting the following:
- 4 "The board of directors of the district of resi-
- 5 dence shall send notification to the department of
- 6 management of the names of its resident pupils using
- 7 this section and the names of the districts in which
- 8 the pupils will be enrolled.
- 9 The department of management shall subtract from
- 10 its state foundation aid payments to the district of
- 11 residence under chapter 442, an amount equal to the
- 12 state foundation aid generated under chapter 442 for
- 13 each pupil in the receiving district using this
- 14 section and shall include that amount in the state aid
- 15 payment to the receiving school".

JOHN W. JENSEN

S-3014

- 1 Amend Senate File 59 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 282.18, Code 1989, is amended
- 5 by striking the section and inserting in lieu thereof
- 6 the following:
- 7 282.18 OPEN ENROLLMENT

8 For the school year beginning July 1, 1990, a
9 parent or guardian residing in a school district may
10 enroll the parent's or guardian's child in a public
11 school in another school district. The state board of
12 education shall adopt rules to administer this
13 section. The rules shall include, but not be limited
14 to the following: procedures and timelines for
15 notification of school districts affected by a child's
16 transfer, designation of responsibility for
17 transporting the student to and from school, and any
18 exceptions to a parent's or guardian's option to
19 enroll a child in a school district under this
20 section. Exceptions to a parent's or guardian's
21 option under this section may relate to voluntary or
22 court-ordered desegregation plans, limited space in
23 school facilities, staffing limitations, or rules
24 under section 280.13 which relate to participation in
25 interscholastic contests and competitions."
26 2. Title, by striking lines 1 through 4 and
27 inserting the following: "An Act to permit parents or
28 guardians to enroll their children in the public
29 schools of school districts other than the district of
30 residence."

JOY CORNING

S-3015

1 Amend Senate File 59 as follows:

DIVISION S—3015A

2 1. Page 1, lines 5 and 6, by striking the words
3 "1989, and each succeeding school year" and inserting
4 the following: "1990, and ending June 30, 1991, if
5 both the district of residence and the receiving
6 district agree to participate in open enrollment".

7 2. Page 1, by inserting after line 12, the
8 following:

9 "For the school year commencing July 1, 1991, and
10 in succeeding years, all districts shall participate
11 in open enrollment under this section."

DIVISION S—3015B

12 3. Page 2, by inserting after line 32, the
13 following:

14 Sec. . DEPARTMENT OF EDUCATION PROGRESS
15 REPORT. The department of education shall conduct a

16 study of the progress and implementation of open
17 enrollment throughout the state. The study shall
18 include a demographic study of the use of the open
19 enrollment option. The department shall report its
20 findings and any recommendations to the chairpersons
21 and ranking members of the house and senate education
22 committees of the general assembly which convenes in
23 January 1992.”
24 4. By renumbering as necessary.

MAGGIE TINSMAN

S-3016

1 Amend Senate File 59 as follows:
2 1. Page 1, lines 5 and 6, by striking the words
3 “each succeeding school year” and inserting the
4 following: “ending June 30, 1990, if both the
5 district of residence and the receiving district agree
6 to participate in open enrollment”.
7 2. Page 1, by inserting after line 12, the
8 following:
9 “For the school year commencing July 1, 1990, and
10 ending June 30, 1991, school districts with certified
11 enrollments of less than one thousand pupils are not
12 required to send and receive pupils under this
13 section. For the school year commencing July 1, 1991,
14 and for succeeding years, all school districts shall
15 be required to send and receive pupils under this
16 section.”
17 3. Page 2, by inserting after line 32, the
18 following:
19 “Any district which agrees to participate in open
20 enrollment under this section shall not deny a
21 parent’s or guardian’s request to transfer a pupil to
22 or from the district if the district has either sent
23 or received pupils under this section, except where
24 there is insufficient class space or an adverse effect
25 on a desegregation order or plan.”

BEVERLY HANNON

S-3017

1 Amend Senate File 59 as follows:

DIVISION S—3017A

2 1. Page 1, line 18, by striking the words
3 “another school district.” and inserting the
4 following: “a contiguous district or school that is
5 no further than the most distant county seat of a
6 county in which the district of residence is a
7 political subdivision.”

DIVISION S—3017B

8 2. Page 1, by striking lines 19 and 20 and
9 inserting the following: “guardian shall describe the
10 academic or distance reasons which exist for
11 enrollment in the receiving district that are not
12 present in the district”.

DIVISION S—3017C

13 3. Page 1, line 21, by inserting after the word
14 “residence.” the following: “A parent or guardian may
15 also enroll the parent’s or guardian’s child in a
16 public school in another school district if the child
17 lives more than fifteen miles from the school in the
18 district of residence and the receiving school is less
19 than forty percent of the distance from the child’s
20 home and the school in the district of residence.”

DIVISION S—3017D

21 4. Page 1, line 32, by striking the word
22 “graduate” and inserting the following: “graduate,
23 the pupil’s family moves to another school district.”

DIVISION S—3017E

24 5. Page 2, by inserting after line 25, the fol-
25 lowing:
26 “Every school district shall adopt a policy which
27 defines the term “insufficient classroom space” for
28 that district.”

DIVISION S—3017F

29 6. Page 2, by striking lines 26 through 32.
30 7. Page 2, by inserting before line 33, the fol-
31 lowing:
32 “A student who attends school in a school district
33 other than the district of residence shall not
34 participate in interscholastic athletic contests,

35 athletic competitions, organized practice sessions, or
36 extracurricular activities if the student was not
37 permitted to participate in those events in the
38 district of residence for disciplinary reasons. For
39 purposes of this section, a student's ineligibility is
40 limited to those events and time periods specified in
41 the district of residence's disciplinary action
42 against the student."

LINN FUHRMAN

S-3018

1 Amend Senate File 59 as follows:
2 1. Page 2, by inserting after line 32 the
3 following:
4 "A student who transfers from one district to
5 another under this section shall meet the graduation
6 requirements of the district that has the highest
7 graduation requirements, as compared to the graduation
8 requirements of the other district in which the
9 student is or has been enrolled."

LINN FUHRMAN

S-3019

1 Amend Senate File 59 as follows:
2 1. Page 2, by inserting after line 32, the
3 following:
4 "Notwithstanding contrary provisions of this
5 section, if a parent or guardian submits a request at
6 any time, to the board of the district in which the
7 child is attending school, that the child be permitted
8 to enroll and participate in no more than two
9 extracurricular activities in another district the
10 child shall be permitted to participate in those
11 activities. The parent or guardian shall be
12 responsible for notifying the instructor or
13 supervising school officer in charge of the
14 extracurricular activities in the other district. The
15 school district sponsoring or in charge of the
16 activities shall accept the child for purposes of
17 participating in those activities."

LINN FUHRMAN

S-3020

- 1 Amend amendment S-3017 to Senate File 59 as
- 2 follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "subdivision." the following: "A school district that
- 5 is contained within a second school district shall be
- 6 considered contiguous to the districts adjoining the
- 7 second district."

MARK R. HAGERLA

S-3021

- 1 Amend amendment S-3008 to Senate File 59 as
- 2 follows:
- 3 1. Page 1, line 3, by striking the word "two" and
- 4 inserting the following: "one".
- 5 2. Page 1, line 5, by striking the word "two-
- 6 year" and inserting the following: "one-year".
- 7 3. Page 1, line 7, by striking the word "two-
- 8 year" and inserting the following: "one-year".
- 9 4. Page 1, line 9, by striking the word "two-
- 10 year" and inserting the following: "one-year".

RAY TAYLOR

S-3022

- 1 Amend Senate File 59 as follows:
- 2 1. Page 1, line 6, by inserting after the word
- 3 "guardian" the following: "of a child in grades seven
- 4 through twelve".

JOHN W. JENSEN

S-3023

- 1 Amend Senate File 56 as follows:
- 2 1. Page 2, by inserting after line 10 the fol-
- 3 lowing:
- 4 "Sec. 4. Section 601A.12, Code 1989, is amended by
- 5 adding the following new subsection:
- 6 NEW SUBSECTION. 7. The rental or leasing of a
- 7 housing accommodation in a building which contains
- 8 housing accommodations for not more than four families
- 9 living independently of each other, if the owner

10 resides in one of the housing accommodations for which
 11 the owner qualifies for the homestead tax credit under
 12 section 425.1.”
 13 2. Title page, line 3, by inserting after the
 14 word “persons” the following: “and certain owner-
 15 occupied housing”.

JOE WELSH
 LARRY MURPHY
 JIM LIND

S-3024

1 Amend Senate File 96 as follows:
 2 1. Page 1, line 11, by inserting after the word
 3 “number.” the following: “Physician data may be
 4 submitted by the hospital or through another method,
 5 as approved by the health data commission.”

JACK RIFE
 BOB CARR

HOUSE AMENDMENT TO
 SENATE CONCURRENT RESOLUTION 1

S-3025

1 Amend Senate Concurrent Resolution 1 as amended,
 2 passed and reprinted by the Senate as follows:
 3 1. Page 1, by striking lines 9 through 11 and
 4 inserting the following: “senate and the chief clerk
 5 of the house, one copy of the”.
 6 2. Page 1, line 18, by striking the word
 7 “libraries” and inserting the word “officers”.
 8 3. Page 1, lines 21 and 22 by striking the words
 9 “public library designated by the”.
 10 4. Page 1, line 24, by striking the word
 11 “library” and inserting the word “auditor”.

S-3026

1 Amend Senate File 119 as follows:
 2 1. Page 2, line 3, by striking the word “management”
 3 and inserting the following: “management revenue and
 4 finance”.
 5 2. Page 2, line 8, by striking the word “management”

6 and inserting the following: "~~management~~ revenue and
7 finance".

JOE WELSH

S-3027

1 Amend Senate File 123 as follows:

2 1. Page 1, line 5, by striking the words
3 "juvenile detention centers and" and inserting the
4 following: "~~juvenile detention centers and~~".

5 2. Page 1, by inserting after line 7, the
6 following:

7 "Sec. ____ . 1988 Iowa Acts, chapter 1284, section
8 55, unnumbered paragraph 1, is amended to read as
9 follows:

10 If the general fund ending balance for the fiscal
11 year beginning July 1, 1987, is not sufficient under
12 section 54 and the governor does not certify to the
13 department of revenue and finance that the
14 appropriation in section 54, subsection 1, paragraphs
15 "b" and "c", be made, and notwithstanding any other
16 provisions of law, the treasurer of state before
17 making allotments of the moneys within the Iowa plan
18 fund pursuant to section 99E.32, subsection 1, for the
19 fiscal year beginning July 1, 1988, shall transfer to
20 the department of corrections the sum of ~~one million~~
21 seven hundred fifty thousand two hundred eighty-four
22 ~~(1,000,284)~~ dollars, and the moneys are appropriated
23 for the following purposes:"

24 3. Page 1, lines 11 and 12, by striking the words
25 "juvenile detention centers and" and inserting the
26 following: "~~juvenile detention centers and~~".

JOE WELSH

S-3028

1 Amend Senate File 32 as follows:

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

4 "Section 1. Section 85.27, unnumbered paragraph 2,
5 Code 1989, is amended by striking the unnumbered
6 paragraph."

7 2. Page 1, by inserting after line 20 the
8 following:

9 "Any employee, employer, or insurance carrier
10 making or defending a claim for benefits agrees to the
11 release of all information relating to an injury upon

12 which an employee bases a claim for benefits under
 13 this chapter, to which the employee, employer, or
 14 carrier has access concerning the employee's physical
 15 or mental condition relative to the claim. The
 16 information shall be made available to any party or
 17 the party's representative upon request. Any
 18 institution or person releasing the information to a
 19 party or the party's representative shall not be
 20 liable criminally or for civil damages by reason of
 21 the release of the information.
 22 If release of information is refused, the party
 23 requesting the information may apply to the industrial
 24 commissioner for relief. A party who has
 25 unsuccessfully sought medical information about an
 26 employee which is not related to the injury upon which
 27 a claim for benefits is based may also apply to the
 28 industrial commissioner for relief. Upon a showing of
 29 relevance and materiality, the industrial commissioner
 30 may order the information to be produced for
 31 inspection and copying, or may order such production
 32 after reviewing the information in private."
 33 3. Title page, line 1, by inserting after the
 34 word "Act" the following: "relating to workers'
 35 compensation,".
 36 4. Title page, line 2, by inserting after the
 37 word "benefits" the following: ", and revising
 38 provisions governing the release of medical
 39 information".
 40 5. By renumbering as necessary.

TOM MANN, Jr.

S-3029

1 Amend Senate File 124 as follows:
 2 1. Page 7, by inserting after line 4 the
 3 following:
 4 " ____ . The licensee or a holder of an occupational
 5 license shall consent to agents of the division of
 6 criminal investigation of the department of public
 7 safety or commission employees designated by the sec-
 8 retary of the commission to the search without a
 9 warrant of the licensee or holder's person, personal
 10 property and effects, and premises which are located
 11 within the area of the excursion gambling boat where
 12 gambling is permitted for criminal violations of this
 13 chapter or violations of rules adopted by the
 14 commission."

15 2. By renumbering subsections as needed.

BOB M. CARR
JACK RIFE
WALLY HORN

S-3030

1 Amend Senate File 124 as follows:
2 1. Page 18, line 12, by striking the word "state"
3 and inserting the following: "criminal".

BOB M. CARR
JACK RIFE
WALLY HORN

S-3031

1 Amend Senate File 96 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 145.2, unnumbered paragraphs 2
5 and 3, Code 1989, are amended to read as follows:
6 The commission consists of the director of the
7 department of elder affairs, the commissioners of
8 insurance and human services, the director of public
9 health, and one state senator and one state
10 representative who shall not be of the same party,
11 shall be nonvoting members, and shall be appointed
12 each year by the majority leader of the senate and
13 speaker of the house, respectively; ~~and the~~
14 ~~chairperson of the board of directors of the~~
15 ~~corporation or the head of the association or other~~
16 ~~entity providing staff for the commission as provided~~
17 ~~by section 145.3 who shall be a nonvoting member.~~ The
18 commissioner and director members shall annually
19 select the chairperson of the commission from among
20 the four voting commission members. A majority of the
21 ~~seven~~ six members including at least two voting
22 members constitutes a quorum.
23 The commission shall meet at least once during each
24 calendar quarter. Meeting dates shall be set by
25 members of the commission or by call of the
26 chairperson upon five days' notice to the members.
27 Action of the commission shall not be taken except
28 upon the affirmative vote of a majority of the voting
29 members of the commission. The four voting members of

30 the commission shall not receive a salary or per diem
 31 for being on the commission but shall receive
 32 reimbursement for necessary travel and expenses while
 33 engaged in commission business. Funds for
 34 reimbursement shall come from the moneys appropriated
 35 to the department of which the member is the head.
 36 The two legislative members of the commission are
 37 entitled to per diem and necessary travel and actual
 38 expenses as provided in section 2.10, subsection 6.
 39 ~~The commission staff and chairperson of the~~
 40 ~~corporation, association, or entity under agreement~~
 41 ~~with the commission pursuant to section 145.3,~~
 42 ~~subsection 1, shall not receive salary, wages, or per~~
 43 ~~diem for serving the commission and shall not receive~~
 44 ~~reimbursement for commission travel and related~~
 45 ~~expenses or for other commission expenses.~~
 46 Sec. ____ . Section 145.3, subsection 1, Code 1989,
 47 is amended to read as follows:
 48 1. The health data commission shall ~~enter into an~~
 49 ~~agreement with the health policy corporation of Iowa~~
 50 ~~or any other corporation, association, or entity it~~

Page 2

1 ~~deems appropriate be located within the Iowa~~
 2 ~~department of public health~~ to provide staff for the
 3 commission, to provide staff for the compilation,
 4 correlation, and development of the data collected by
 5 the commission, and to conduct or contract for studies
 6 on health-related questions which will further at the
 7 direction of the commission in furtherance of the
 8 purpose and intent expressed in section 145.1. The
 9 ~~agreement may provide for the corporation,~~
 10 ~~association, or entity to prepare and distribute or~~
 11 ~~make available data to health care providers, health~~
 12 ~~care subscribers, third-party payers, and the general~~
 13 ~~public Staff of the Iowa department of public health~~
 14 shall work in cooperation with the staff
 15 representatives which may be designated by the
 16 commissioner of insurance, the director of human
 17 services, and the director of the department of elder
 18 affairs. The commission may enter into agreement with
 19 an entity outside of state government to provide data
 20 processing or other support services deemed necessary
 21 by the commission.
 22 Sec. ____ . Section 145.3, subsection 3, paragraph
 23 c, Code 1989, is amended to read as follows:
 24 c. ~~The corporation, association, or other entity~~
 25 providing research for the commission shall compile

26 and disseminate comparative information on average
 27 charges, total and ancillary charge components, and
 28 length of stay on diagnosis-specific and procedure-
 29 specific cases on a hospital basis from the data
 30 defined in paragraph "b". The data as collected by
 31 the commission shall not be public records under
 32 chapter 22. The compilations prepared for release or
 33 dissemination from the data collected shall be public
 34 records under chapter 22, which are not subject to
 35 section 22.7, subsection 2, to the extent provided in
 36 section 145.4. Prior to the release or dissemination
 37 of the compilations, the commission ~~or the~~
 38 ~~corporation, association, or other entity under~~
 39 ~~agreement with the commission pursuant to section~~
 40 ~~145.3, subsection 1,~~ shall permit providers an
 41 opportunity to verify the accuracy of any information
 42 pertaining to the provider. The providers may submit
 43 to the commission any corrections of errors in the
 44 compilations of the data with any supporting evidence
 45 and comments the provider may submit. The commission
 46 shall correct data found to be in error."
 47 2. Page 1, by striking lines 16 through 23 and
 48 inserting the following:
 49 "Sec. ____ . Section 145.3, subsection 4, paragraph
 50 e, Code 1989, is amended to read as follows:

Page 3

1 e. The ~~health policy corporation of Iowa~~
 2 commission or any ~~other corporation, association, or~~
 3 ~~entity~~ or state agency deemed appropriate begin
 4 exploring the feasibility of collecting data for long-
 5 term health care and home health care relating to cost
 6 and utilization information.

7 Sec. ____ . Section 145.4, subsections 3 and 4, Code
 8 1989, are amended to read as follows:

9 ~~3. From the health data commission to the~~
 10 ~~corporation, association, or other entity providing~~
 11 ~~research for the commission.~~

12 ~~4 3. From the health data commission or its~~
 13 ~~designee to interested persons."~~

14 3. Title page, by striking lines 2 through 4, and
 15 inserting the following: "commission, by providing
 16 for staffing of the health data commission through the
 17 Iowa department of public health with assistance from
 18 the insurance division, the department of human
 19 services, and the department of elder affairs, by
 20 revising the membership of the health data commission,
 21 by providing for contracting with an agency outside of
 22 state government for support services, and by

23 requiring the provision of hospital data regarding
24 nonsponsored care.”

JEAN LLOYD-JONES

S-3032

- 1 Amend Senate File 96 as follows:
- 2 1. Page 1, by striking lines 1 through 15.
- 3 2. Title page, by striking lines 3 and 4 and
- 4 inserting the following: “interest.”

JEAN LLOYD-JONES

S-3033

- 1 Amend Senate File 96 as follows:
- 2 1. Page 1, by striking lines 29 through 32, and
- 3 inserting the following: “January 15 of each year.
- 4 The commission shall be terminated July 1, ~~1989~~ 1992.
- 5 If the legislature does not extend the date for
- 6 termination, a final report shall be submitted to the
- 7 legislature by July 1, ~~1989~~ 1992.”

JEAN LLOYD-JONES

S-3034

- 1 Amend Senate File 96 as follows:
- 2 1. Page 1, by inserting after line 15 the
- 3 following:
- 4 “Sec. ____ . Section 145.3, subsection 4, paragraph
- 5 d, Code 1989, is amended to read as follows:
- 6 d. Additional or alternative information related
- 7 to the intent and purpose of this chapter as outlined
- 8 in section 145.1 be submitted to the commission except
- 9 that in no event shall hospitals with fewer than one
- 10 hundred licensed acute care beds be required to
- 11 install computerized severity of illness systems nor
- 12 shall hospitals with one hundred or more licensed
- 13 acute care beds be required to install computerized
- 14 severity of illness systems before July 1, 1990.”
- 15 2. Title page, by striking lines 3 and 4 and
- 16 inserting the following: “interest, requiring the
- 17 provision of hospital data regarding nonsponsored

18 care, and by providing for implementation of severity
19 of illness systems within certain hospitals.”

JEAN LLOYD-JONES

S-3035

1 Amend Senate File 141 as follows:

2 1. Page 23, by inserting after line 21 the
3 following:

4 “Sec. ____ . Section 725.7, subsection 2, Code 1989,
5 is amended by striking the subsection and inserting in
6 lieu thereof the following:

7 2. A person who violates this section is guilty of
8 the following:

9 a. Illegal gaming in the fourth degree if the sum
10 of money or value of other property involved does not
11 exceed one hundred dollars. Illegal gaming in the
12 fourth degree constitutes the following:

13 (1) A serious misdemeanor for a first offense.

14 (2) An aggravated misdemeanor for a second
15 offense.

16 (3) A class “D” felony for a third offense.

17 (4) A class “C” felony for a fourth or subsequent
18 offense.

19 b. Illegal gaming in the third degree if the sum
20 of money or value of other property involved exceeds
21 one hundred dollars but does not exceed five hundred
22 dollars. Illegal gaming in the third degree
23 constitutes the following:

24 (1) An aggravated misdemeanor for a first offense.

25 (2) A class “D” felony for a second offense.

26 (3) A class “C” felony for a third or subsequent
27 offense.

28 c. Illegal gaming in the second degree if the sum
29 of money or value of other property involved exceeds
30 five hundred dollars but does not exceed five thousand
31 dollars. Illegal gaming in the second degree
32 constitutes the following:

33 (1) A class “D” felony for a first offense.

34 (2) A class “C” felony for a second or subsequent
35 offense.

36 d. Illegal gaming in the first degree if the sum
37 of money or value of other property involved exceeds
38 five thousand dollars. Illegal gaming in the first
39 degree constitutes a class “C” felony.

40 Sec. ____ . Section 727.11, Code 1989, is amended to
41 read as follows:

42 727.11 DISCLOSURE OF INFORMATION CONCERNING USE OF

43 VIDEOTAPES -- PENALTY.

44 1. Except as provided in subsection 2, a person
45 engaged in the business of renting, leasing, loaning,
46 or otherwise distributing for a fee videotapes or
47 other like items to individuals for personal use shall
48 not disclose any information which would reveal the
49 identity of an individual renting, leasing, borrowing,
50 or otherwise obtaining through the business a

Page 2

1 videotape or other like item, except to the extent
2 permitted by the individual as evidenced by the
3 individual's written consent or as otherwise provided
4 in this section.

5 2. In the absence of consent, the information may
6 be released to in any of the following situations:

7 a. To a criminal justice agency only pursuant to
8 an investigation of a particular person or
9 organization suspected of committing a known crime.
10 The information shall be released only upon a judicial
11 determination that a rational connection exists
12 between the requested release of information and a
13 legitimate end and that the need for the information
14 is cogent and compelling.

15 b. To the extent reasonably necessary to collect
16 payment for the rental, lease, or other distribution
17 fee for the materials, if the individual has been
18 given written notice that the payment is due and the
19 individual has failed to pay or arrange for payment
20 within a reasonable time after this notice.

21 c. If the disclosure is for the exclusive purpose
22 of marketing goods and services directly to the
23 consumer. The person disclosing the information shall
24 inform the customer in writing that the customer may,
25 by written notice, require the person to refrain from
26 disclosing the information pursuant to this paragraph.

27 2 3. A person who violates this section commits a
28 simple misdemeanor."

29 2. By renumbering as necessary.

COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

S-3036

- 1 Amend Senate File 153 as follows:
- 2 1. Page 3, lines 24 and 25, by striking the words
- 3 "or the department of inspections and appeals".

JOHN P. KIBBIE

S-3037

- 1 Amend Senate File 153 as follows:
- 2 1. Page 5, by inserting after line 32 the
- 3 following:
- 4 "Sec. ____ . Section 422.45, subsection 22, paragraph
- 5 b, Code 1989, is amended to read as follows:
- 6 b. Residential facilities ~~for mentally retarded~~
- 7 children, other than individuals as defined in section
- 8 237.1, subsection 7, licensed by the department of
- 9 human services pursuant to chapter 237."
- 10 2. Title, line 4, by inserting after the word
- 11 "facilities" the following: "and residential
- 12 facilities".

JOHN P. KIBBIE
RAY TAYLORHOUSE AMENDMENT TO
SENATE FILE 19

S-3038

- 1 Amend Senate File 39, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, by inserting after line 6 the
- 4 following:
- 5 "Sec. ____ . This Act, being deemed of immediate
- 6 importance, takes effect upon enactment."
- 7 2. Title page, line 3, by inserting after the
- 8 word "tax" the following: "and providing an effective
- 9 date".

S-3039

- 1 Amend Senate File 124 as follows:

DIVISION S—3039A

2 1. Page 5, line 20, by inserting after the word
 3 “prescribes.” the following: “The commission shall
 4 not license an excursion gambling boat with a
 5 passenger-carrying capacity including crew of less
 6 than five hundred passengers.”

DIVISION S—3039B

7 2. Page 9, by striking lines 1 and 2 and
 8 inserting the following: “prohibiting excursion boat
 9 gambling or within the county as a whole if the county
 10 enacts an ordinance”.

MICHAEL E. GRONSTAL

S-3040

1 Amend Senate File 152 as follows:
 2 1. Page 1, line 28, by striking the word “of” and
 3 inserting the following: “of.”
 4 2. Page 1, line 29, by inserting after the word
 5 “the” the following: “other”.
 6 3. Page 1, line 32, by inserting after the word
 7 “demolition” the following: “of other real property
 8 on which the person conducts a business or a farm
 9 operation”.
 10 4. Page 13, line 32, by striking the word “A” and
 11 inserting the following: “Except for any federal or
 12 state law providing low-income housing assistance, a”.
 13 5. Page 13, line 35, by inserting after the word
 14 “any” the following: “federal or”.
 15 6. Page 17, line 18, by striking the word “on”
 16 and inserting the following: “or”.
 17 7. Page 17, line 18, by inserting after the word
 18 “condemnation” the following: “and”.

RICHARD F. DRAKE
ROBERT M. CARR

S-3041

1 Amend Senate Resolution 3 as follows:
 2 1. Page 2, lines 26 and 27, by striking the words
 3 “; ~~writing for publication;~~” and inserting the
 4 following: “, writing for publication,”.
 5 2. Page 3, by striking lines 2 through 10 and

6 inserting the following: “political action committee.
 7 A senator ~~may shall not~~ accept employment, either
 8 directly or indirectly, from a political party; ~~but~~
 9 shall disclose the employment relationship in writing
 10 to the secretary of the senate within ten days after
 11 the beginning of each legislative session. If a
 12 senator accepts employment from a political party
 13 during a legislative session, the senator shall
 14 disclose the employment relationship within ten days
 15 after acceptance of the employment.”

16 3. Page 7, line 12, by inserting after the word
 17 “speech” the following: “, writing for publication.”.

18 4. Page 7, by striking lines 13 and 14 and
 19 inserting the following: “activity, shall report the
 20 honorarium to the”.

21 5. Page 7, by inserting after line 21 the
 22 following:

23 “f. A senator, in whose name a gift in excess of
 24 fifteen dollars in value is given to a person or
 25 organization and who has knowledge of such gift, shall
 26 report the gift to the secretary of the senate. The
 27 report shall include the nature and amount of the
 28 gift, the date it was given, by whom it was given, and
 29 to whom it was given. The report shall be filed by
 30 the senator on the fifteenth of the month following
 31 the month in which the gift was given.”

JIM LIND

S-3042

1 Amend Senate Resolution 4 as follows:

2 1. Page 8, line 5, by inserting after the word
 3 “speech” the following: “, writing for publication.”.

4 2. Page 8, by inserting after line 14 the
 5 following:

6 “15. REPORTING OF ATTRIBUTED GIFTS. Persons who
 7 have provided a gift, in excess of fifteen dollars in
 8 value to any person or organization, in the name of a
 9 senator shall file a report with the secretary of the
 10 senate. The report shall include the identity of the
 11 senator on whose behalf the gift was given, the person
 12 or organization to whom the gift was given, the date
 13 it was given, and the nature and amount of the gift.
 14 The report shall be filed on the fifteenth of the
 15 month following the month in which the gift was
 16 given.”

17 3. Page 8, line 15, by striking the figure “15”
 18 and inserting the following: “16”.

JIM LIND

S-3043

1 Amend Senate File 96 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 145.3, subsection 4, paragraph
5 d, Code 1989, is amended to read as follows:

6 d. Additional or alternative information related
7 to the intent and purpose of this chapter as outlined
8 in section 145.1 be submitted to the commission,
9 except that in no event shall hospitals with fewer
10 than one hundred licensed acute care beds be required
11 to install computerized severity of illness systems,
12 nor shall hospitals with one hundred or more licensed
13 acute care beds be required to install computerized
14 severity of illness systems before July 1, 1990.

15 Sec. 2. Section 145.3, Code 1989, is amended by
16 adding the following new subsection:

17 NEW SUBSECTION. 5. The health data commission
18 shall not contract with a corporation, association, or
19 other entity that engages in whole or in part in the
20 provision of health care services or a corporation,
21 association, or entity that has a material or
22 financial interest in the provision of health care
23 services.

24 Sec. 3. Section 145.6, Code 1989, is amended to
25 read as follows:

26 145.6 REPORTS AND TERMINATION OF COMMISSION.

27 The commission shall submit an annual report on the
28 actions taken by the commission to the legislature not
29 later than January 15 of each year. The commission
30 shall be terminated July 1, ~~1989~~ 1993. If the
31 legislature does not extend the date for termination,
32 a final report shall be submitted to the legislature
33 by July 1, ~~1989~~ 1993."

34 2. Title page, by striking lines 3 and 4 and
35 inserting the following: "interest, and providing
36 requirements regarding the installation of
37 computerized severity of illness systems."

COMMITTEE ON HUMAN RESOURCES
BEVERLY A. HANNON, Chairperson

S-3044

1 Amend Senate Resolution 4 as follows:

2 1. Page 8, line 5, by inserting after the word
3 "speech" the following: ", writing for publication.".

- 4 2. Page 8, by inserting after line 14 the
5 following:
6 "15. REPORTING OF ATTRIBUTED HONORARIUM. Persons
7 who have provided an honorarium for a speech, writing
8 for publication, or other similar activity in excess
9 of fifteen dollars in value on any one calendar day to
10 any person or organization, in the name of a senator
11 shall file a report with the secretary of the senate.
12 The report shall include the identity of the senator
13 on whose behalf the honorarium was given, the person
14 or organization to whom the honorarium was given, the
15 date it was given, and the nature and amount of the
16 honorarium. The report shall be filed on the
17 fifteenth of the month following the month in which
18 the honorarium was given."
19 3. Page 8, line 15, by striking the figure "15"
20 and inserting the following: "16".

JIM LIND

S-3045

- 1 Amend Senate Resolution 3 as follows:

DIVISION S—3045A

- 2 1. Page 2, lines 26 and 27, by striking the words
3 "; writing for publication;" and inserting the
4 following: ", writing for publication,".

DIVISION S—3045B

- 5 2. Page 3, by striking lines 2 through 10 and
6 inserting the following: "political action committee.
7 A senator ~~may shall not~~ accept employment, either
8 directly or indirectly, from a political party; ~~but~~
9 shall disclose the employment relationship in writing
10 to the secretary of the senate within ten days after
11 the beginning of each legislative session. If a
12 senator accepts employment from a political party
13 during a legislative session, the senator shall
14 disclose the employment relationship within ten days
15 after acceptance of the employment."

DIVISION S—3045A (cont'd.)

- 16 3. Page 7, line 12, by inserting after the word
17 "speech" the following: ", writing for publication,".

DIVISION S—3045C

18 4. Page 7, by striking lines 13 and 14 and
 19 inserting the following: "activity, shall report the
 20 honorarium to the".

DIVISION S—3045D

21 5. Page 7, by inserting after line 21 the
 22 following:
 23 "f. A senator, in whose name an honorarium in
 24 excess of fifteen dollars in value is given to a
 25 person or organization for a speech, writing for a
 26 publication, or other similar activity, and who has
 27 knowledge of such honorarium, shall report the
 28 honorarium to the secretary of the senate. The report
 29 shall include the nature and amount of the honorarium,
 30 the date it was given, by whom it was given, and to
 31 whom it was given. The report shall be filed by the
 32 senator on the fifteenth of the month following the
 33 month in which the honorarium was given."

JIM LIND

S-3046

1 Amend Senate File 80 as follows:
 2 1. Page 1, line 17, by striking the word:
 3 "subsection." and inserting the following:
 4 "subsection and inserting in lieu thereof the
 5 following:
 6 2. If the credit allowed in subsection 1 and the
 7 credit allowed in section 425.1 which is allowed as a
 8 credit against property taxes due in the fiscal year
 9 next following the base year by the claimant or any
 10 person of the claimant's household are greater than
 11 the property taxes due, the excess of the credits is
 12 not allowed."

RICHARD V. RUNNING

S-3047

1 Amend Senate File 128 as follows:
 2 1. Page 1, by striking line 5, and inserting the
 3 following: "which neglected, dependent and delinquent
 4 children subject to the jurisdiction of the juvenile
 5 court are".

JULIA GENTLEMAN

S-3048

- 1 Amend Senate File 170 as follows:
- 2 1. Page 1, by striking lines 22 through 26 and
- 3 inserting the following:
- 4 "3. SALARIES, EXPENSES, AND APPROPRIATION. The
- 5 salary of the consumer advocate shall be fixed by the
- 6 attorney general within the salary range set by the".

BOB M. CARR

S-3049

- 1 Amend Senate Resolution 4 as follows:
- 2 1. Page 5, line 29, by inserting after the word
- 3 "MEMBERSHIP" the following: "AND".
- 4 2. Page 6, line 1, by inserting after the words
- 5 "in or" the following: "make".
- 6 3. Page 6, line 2, by inserting after the word
- 7 "senator" the following: "or pay for membership or
- 8 make contributions with the knowledge that the moneys
- 9 paid or contributed will be redistributed to another
- 10 senator's club, committee, or organization".

JIM LIND
JACK RIFE

S-3050

- 1 Amend Senate File 150 as follows:

DIVISION S—3050A

- 2 1. Page 1, by striking lines 1 through 11.

DIVISION S—3050B

- 3 2. Page 1, by striking lines 18 and 19 and
- 4 inserting the following:
- 5 "Sec. ____ . Section 99D.25A, subsections 2 and 4,
- 6 Code 1989, are amended by striking the subsections."

WILLIAM W. DIELEMAN

S-3051

- 1 Amend Senate File 150 as follows:
- 2 1. Page 1, by inserting after line 34 the
- 3 following:
- 4 "Sec. ____ . This Act, being deemed of immediate
- 5 importance, takes effect upon enactment."
- 6 2. Title page, line 3, by inserting after the
- 7 word "racing" the following: "and providing an
- 8 effective date".

JOHN E. SOORHOLTZ

S-3052

- 1 Amend Senate File 104 as follows:
- 2 1. Page 1, by striking lines 1 through 23.
- 3 2. Page 2, by striking lines 4 through 13 and
- 4 inserting the following: "designee or except as
- 5 provided in this section."
- 6 3. Page 2, by inserting after line 23, the
- 7 following:
- 8 "Sec. ____ . Section 249A.6, Code 1989, is amended
- 9 by adding the following new subsection:
- 10 NEW SUBSECTION. 4a. If the department has a
- 11 subrogated interest resulting from a payment made by
- 12 the department for medical care or expenses through
- 13 the medical assistance program on behalf of a
- 14 recipient, the department may pursue the department's
- 15 right to recover either directly from any third party
- 16 or from any recovery obtained by or on behalf of any
- 17 medical assistance recipient."
- 18 4. By striking page 2, line 24 through page 3,
- 19 line 5.
- 20 5. Renumber as necessary.

COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

S-3053

- 1 Amend Senate File 120 as follows:
- 2 1. Page 1, by inserting before line 21, the
- 3 following:
- 4 "Sec. ____ . Section 321.457, subsection 3,
- 5 paragraph d, Code 1989, is amended to read as follows:
- 6 d. In a combination of vehicles used principally

7 for hauling livestock or a stinger-steered automobile
 8 transporter operating under this subsection and
 9 section 321.454, subsection 2, the combination of
 10 vehicles used principally for hauling livestock or the
 11 stinger-steered automobile transporter may depart from
 12 the designated highway system by the most direct route
 13 to points of pickup and delivery. Vehicles operating
 14 under this paragraph are not exempt from posted size
 15 and weight restrictions on highway structures.”

DON E. GETTINGS

S-3054

1 Amend Senate File 118 as follows:
 2 1. Page 3, by inserting after line 2 the
 3 following:
 4 “Sec. ____ . Section 123.180, subsection 2, Code
 5 1989, is amended to read as follows:
 6 2. At the time of applying for a vintner’s
 7 certificate of compliance, each applicant shall file
 8 with the division a list of all class “A” wine
 9 permittees with whom it intends to do business ~~and~~
 10 ~~shall designate the geographic area in which its~~
 11 ~~products are to be distributed by the permittees.~~
 12 ~~Vintner’s certificate holders may appoint more than~~
 13 ~~one class “A” wine permittee to service the same~~
 14 ~~geographic territory. The listing of class “A” wine~~
 15 ~~permittees and geographic areas as filed with the~~
 16 division may be amended from time to time by the
 17 holder of the certificate of compliance.”

JOE WELSH

S-3055

1 Amend Senate File 118 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 “Section 1. Section 123.3, subsections 7 and 8,
 5 Code 1989, are amended to read as follows:
 6 7. “Wine” means any beverage containing more than
 7 five percent but not more than seventeen percent of
 8 alcohol by weight obtained by the fermentation of the
 9 natural sugar contents of fruits or other agricultural
 10 products ~~but excluding and including~~ any product
 11 containing alcohol derived from malt or by the
 12 distillation process from grain, cereal, molasses or

13 cactus.

14 8. "Alcoholic liquor" or "intoxicating liquor"
 15 means the varieties of liquor defined in subsections 5
 16 and 6 which contain more than five seventeen percent
 17 of alcohol by weight, beverages made as described in
 18 subsection 10 which beverages contain more than five
 19 seventeen percent of alcohol by weight but which are
 20 not wine as defined in subsection 7, and every other
 21 liquid or solid, patented or not, containing spirits
 22 and every beverage obtained by the process described
 23 in subsection 7 containing more than seventeen percent
 24 alcohol by weight, and susceptible of being consumed
 25 by a human being, for beverage purposes. Alcohol
 26 manufactured in this state for use as fuel pursuant to
 27 an experimental distilled spirits plant permit or its
 28 equivalent issued by the federal bureau of alcohol,
 29 tobacco and firearms is not an "alcoholic liquor."

JIM LIND

S-3056

1 Amend amendment, S-3043, to Senate File 96 as
 2 follows:
 3 1. By striking lines 11 through 14 and inserting
 4 the following: "to install computerized severity of
 5 illness systems before July 1, 1991."

AL STURGEON
 JACK RIFE
 BOB M. CARR
 JULIA GENTLEMAN

S-3057

1 Amend House File 17 as amended and passed by the
 2 House, as follows:
 3 1. Page 1, by striking lines 4 through 6, and
 4 inserting the following: "law, pursuant to 29 U.S.C.
 5 § 206, shall be increased to \$3.85 on January 1 of
 6 1990, \$4.25 on January 1 of 1991, and \$4.65 on January
 7 1 of 1992."
 8 2. Page 1, by inserting after line 23 the
 9 following:
 10 "d. An employer is not required to pay an employee
 11 the applicable minimum wage provided in subsection 1
 12 until the employee has completed ninety calendar days
 13 of employment with the employer. An employee who has

14 completed ninety calendar days of employment with the
 15 employer prior to January 1 of 1990, 1991, or 1992,
 16 shall earn the applicable minimum wage.”

JOHN A. PETERSON
 AL STURGEON
 DON E. GETTINGS
 RICHARD RUNNING
 TOM MANN, JR.
 WILLIAM D. PALMER

S-3058

1 Amend amendment S-3043 to Senate File 96 as follows:
 2 1. Page 1, by striking lines 29 through 33 and in-
 3 serting the following: “later than January 15 of each
 4 year. ~~The commission shall be terminated July 1, 1989.~~
 5 ~~If the legislature does not extend the date for termin-~~
 6 ~~ation, a final report shall be submitted to the legis-~~
 7 ~~lature by July 1, 1989.”~~”

BERL E. PRIEBE

S-3059

1 Amend Senate File 124 as follows:
 2 1. Page 8, by striking lines 27 through 30 and
 3 inserting the following:
 4 “4. A license shall not be granted if there is
 5 substantial evidence that the applicant is not of good
 6 repute and moral character.”
 7 2. By striking page 8, line 34 through page 9,
 8 line 3, and inserting the following:
 9 “6. a. A license to conduct gambling games on an
 10 excursion gambling boat in a county shall be issued
 11 only if the county electorate approves the conduct of
 12 the gambling games as provided in this subsection.
 13 The board of supervisors, upon receipt of a valid
 14 petition meeting the requirements of section 331.306,
 15 shall direct the commissioner of elections to submit
 16 to the qualified voters of the county a proposition to
 17 approve or disapprove the conduct of gambling games on
 18 an excursion gambling boat in the county. The
 19 proposition shall be submitted only at a general
 20 election and the petition must be received by the
 21 board of supervisors not later than sixty days before
 22 the date of the general election. If a majority of
 23 the county voters voting on the proposition favor the

24 conduct of gambling games, the commission may issue
 25 one or more licenses as provided in this chapter. If
 26 a majority of the county voters voting on the
 27 proposition do not favor the conduct of gambling
 28 games, a license to conduct gambling games in the
 29 county shall not be issued. After a referendum has
 30 been held, another referendum requested by petition
 31 shall not be held for at least four years.

32 b. If a license to conduct gambling games is in
 33 effect, pursuant to a referendum as set forth in this
 34 section and is subsequently disapproved by a
 35 referendum of the county electorate, the license shall
 36 be canceled as of the succeeding July 1."

37 3. Page 12, by inserting after line 32 the
 38 following:

39 "___ . One-half of one percent of the adjusted
 40 gross receipts shall be deposited in the gamblers
 41 assistance fund specified in section 99E.10,
 42 subsection 1, paragraph "a"."

43 4. Page 18, by inserting after line 5 the
 44 following:

45 "___ . A manufacturer or distributor of gambling
 46 games who has been granted a license under this
 47 section shall have a representative within this state
 48 to take delivery of gambling games or implements of
 49 gambling prior to delivery to a licensee. The
 50 manufacturer or distributor shall provide the

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1 commission with a copy of the invoice showing the
 2 items shipped and a copy of the bill of lading. When
 3 received, the gambling games or implements of gambling
 4 shall be stored in a public warehouse in this state
 5 until delivered to the licensee or, after delivery is
 6 complete, the shipment may be transferred to a
 7 licensee."

8 5. By renumbering subsections as necessary.

COMMITTEE ON WAYS AND MEANS
 WILLIAM W. DIELEMAN, Chairperson

S-3060

1 Amend House File 17 as amended, passed and re-
 2 printed by the House as follows:

3 1. Page 1, by striking lines 25 and 26 and inserting
 4 the following: "stated in 29 U.S.C. § 213 shall apply."

CALVIN O. HULTMAN

S-3061

- 1 Amend House File 17, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 1, by striking lines 25 and 26 and in-
4 serting the following: "stated in 29 U.S.C. § 213
5 shall apply."

BERL E. PRIEBE

S-3062

- 1 Amend Senate File 154 as follows:
2 1. Page 10, by inserting after line 25 the
3 following:
4 "Sec. 100. Section 422.33, Code 1989, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 9. Income of a corporation
7 derived from the corporation placing liquor in
8 bailment pursuant to section 123.20, subsection 1, is
9 not subject to the tax imposed in this division."
10 2. Page 20, line 14, by striking the word and
11 figure "and 21" and inserting the following: ", 21
12 and 100".
13 3. Renumber as necessary.

RICHARD F. DRAKE
WALLY E. HORN

S-3063

- 1 Amend Senate File 194 as follows:
2 1. Page 1, by inserting after line 6 the
3 following:
4 "Sec. ____ . This Act is retroactive to January 1,
5 1989."
6 2. Title page, line 3, by inserting after the
7 word "bailment" the following: "and providing a
8 retroactive applicability date".

RICHARD F. DRAKE
WALLY E. HORN

S-3064

- 1 Amend amendment, S-3057, to House File 17 as
2 amended, passed, and reprinted by the House as

3 follows:

- 4 1. Page 1, line 11, by striking the word and
- 5 figure "subsection 1" and inserting the following:
- 6 "paragraph "a".

JOHN A. PETERSON

S-3065

1 Amend House File 17 as follows:

- 2 1. Page 1, by inserting after line 29 the
- 3 following:
- 4 "5. This section shall not go into effect until
- 5 federal legislation is enacted which establishes a
- 6 minimum wage at least equal to or greater than the
- 7 minimum wage established in this Act."

RICHARD F. DRAKE
CALVIN O. HULTMAN

S-3066

1 Amend Senate File 153 as follows:

- 2 1. Page 5, by inserting after line 32 the
- 3 following:
- 4 "Sec. 5. Section 422.45, Code 1989, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 41. The gross receipts from
- 7 the sale of equipment and supplies used for the
- 8 delivery of services if purchased by the following
- 9 nonprofit health organizations which receive federal
- 10 funds:
- 11 a. Community-based substance abuse treatment
- 12 and prevention programs.
- 13 b. Child health clinics.
- 14 c. Maternal health clinics.
- 15 d. Well-elderly clinics.
- 16 e. Family planning clinics."

CHARLES BRUNER

S-3067

1 Amend Senate File 153 as follows:

- 2 1. Page 5, by inserting after line 26, the
- 3 following:
- 4 "Sec. ____ . Section 422.45, subsection 20, Code

5 1989, is amended to read as follows:

- 6 20. The gross receipts from sales or services
7 rendered, furnished or performed by a county or city.
8 This exemption does not apply to the tax specifically
9 imposed under section 422.43 on the gross receipts
10 from the sales, furnishing or service of gas,
11 electricity, water, heat and communication service to
12 the public by a municipal corporation in its
13 proprietary capacity ~~and does not apply to fees paid~~
14 ~~to cities and counties for the privilege of~~
15 ~~participating in any athletic sports."~~
16 2. Title page, line 4, by inserting after the
17 word "facilities" the following: "and certain
18 athletic sports fees paid to cities and counties".
19 3. Renumber as necessary.

JIM LIND
LARRY MURPHY
ROBERT M. CARR

S-3068

- 1 Amend House File 17, 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. NEW SECTION. 91D.1 MINIMUM WAGE
6 REQUIREMENTS -- EXCEPTIONS.
7 1. a. The hourly wage stated in the federal
8 minimum wage law, pursuant to 29 U.S.C. § 206, shall
9 be increased to \$3.85 on January 1 of 1990, \$4.40 on
10 January 1 of 1991, and \$5.00 on January 1 of 1992.
11 b. Every employer, as defined in the federal Fair
12 Labor Standards Act, shall pay to each of the
13 employer's employees, as defined in the federal Fair
14 Labor Standards Act, wages of not less than the
15 current federal minimum wage, pursuant to 29 U.S.C. §
16 206, or the wage rate stated in paragraph "a",
17 whichever is greater.
18 c. For purposes of determining whether an employee
19 of a restaurant, hotel, motel, inn, or cabin, who
20 customarily and regularly receives more than thirty
21 dollars a month in tips is receiving the minimum
22 hourly wage rate prescribed by this section, the
23 amount paid the employee by the employer shall be
24 deemed to be increased on account of the tips by an
25 amount determined by the employer, not to exceed forty
26 percent of the applicable minimum wage. An employee
27 may file a written appeal with the labor commissioner

28 if the amount of tips received by the employee is less
 29 than the amount determined by the employer under this
 30 subsection.

31 2. The exemptions from the minimum wage
 32 requirements stated in 29 U.S.C. § 213 shall apply,
 33 except for those exemptions in 29 U.S.C. § 213(a)(2),
 34 (3), and (4).

35 3. The labor commissioner shall adopt rules to
 36 implement and administer this section.

37 4. This section shall be enforced pursuant to
 38 chapter 91A.

39 Sec. 2. NEW SECTION. 91D.2 PART-TIME EMPLOYEE
 40 BENEFITS.

41 An employer shall provide, on a pro rata basis, to
 42 a permanent, part-time employee working an average of
 43 twenty hours or more per week, all employment-related
 44 benefits which the employer provides to full-time
 45 employees.

46 Sec. 3. NEW SECTION. 91D.3 DISCHARGE OF
 47 EMPLOYEES.

48 1. As used in this section:

49 a. "Discharge" means termination of an employee's
 50 employment for reasons other than the cessation of an

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1 employer's business operations or a general cutback in
 2 the employer's work force due to economic hardship.

3 b. "Employee" means an employee as defined in
 4 section 91A.2.

5 c. "Employer" means an employer as defined in
 6 section 91A.2.

7 2. Unless modified by contract, an employer shall
 8 only discharge an employee for one or more of the
 9 following reasons:

10 a. The employee performs work assignments in a
 11 negligent manner.

12 b. The employee's continuous absences from the
 13 place of employment affect the interest of the
 14 employer.

15 c. The employee is incompetent or inefficient,
 16 thereby impairing the employee's usefulness to the
 17 employer.

18 d. The employee's use of intoxicants or controlled
 19 substances interferes with the proper discharge of the
 20 employee's duties, provided the employer complies with
 21 section 730.5.

22 e. The employee willfully and intentionally
 23 disobeys reasonable and lawful rules, orders, or
 24 instructions of the employer.

25 f. The employee is dishonest.
26 3. An employee who was discharged for a reason
27 other than those stated in subsection 1 may file a
28 written complaint with the labor commissioner within
29 thirty days after discharge. The commissioner shall
30 serve upon the employer a copy of the complaint
31 stating the charges and a written notice of hearing
32 before the commissioner which shall be held ten days
33 after service of the complaint. The commissioner
34 shall provide written notice of hearing to the
35 employee filing the complaint. The employer may file
36 an answer to the complaint. The employer and employee
37 may give testimony at the hearing, and rules of
38 evidence prescribed by the commissioner shall apply.
39 The employer has the burden of proving that the
40 employee was not wrongfully discharged.
41 If the commissioner determines that the employer
42 wrongfully discharged the employee, the commissioner
43 shall state the findings, order the employer to
44 reinstate the employee with back pay, and award to the
45 employee reasonable attorney's fees and costs relating
46 to the administrative proceeding. If the commissioner
47 determines that the employer did not wrongfully
48 discharge the employee, the commissioner shall state
49 the findings and dismiss the complaint.
50 The commissioner's decision may be appealed by any

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1 party to the employment appeal board created in
2 section 10A.601. The decision of the appeal board is
3 the final agency action and an appeal of the decision
4 shall be made directly to the district court.
5 4. In addition to the remedies provided in
6 subsection 3, any wrongfully discharged employee may
7 bring a civil action for compensatory and punitive
8 damages against an employer who has violated this
9 section.
10 Sec. 4. NEW SECTION. 91D.4 EMPLOYEE PARENTAL
11 LEAVE.
12 1. For purposes of this section, unless the
13 context otherwise requires:
14 a. "Employee" means an employee as defined under
15 section 91A.2.
16 b. "Employer" means an employer as defined under
17 section 91A.2.
18 2. An employer shall make available to an employee
19 a parental leave of absence. An additional unpaid
20 leave of absence may be granted to an employee with
21 the approval of the employee's employer. The

22 provisions of collective bargaining agreements
23 negotiated under chapter 20 shall at least meet the
24 minimum standard for parental leave established under
25 this section. Parental leave, required by this
26 section, is subject to each of the following
27 conditions:

28 a. Parental leave shall be limited to a maximum of
29 sixteen weeks within any two-year period due to the
30 birth or adoption of a child by the employee.

31 Parental leave shall begin at a time requested by the
32 employee which cannot be later than six weeks
33 following the birth or adoption of a child.

34 b. Notwithstanding the requirement to commence
35 parental leave within six weeks of the birth or
36 adoption of a child in paragraph "a", an employee who
37 takes leave for a disability related to pregnancy as
38 provided under section 601A.6 may commence a parental
39 leave immediately following the termination of the
40 disability leave. The length of parental leave which
41 is required to be made available by this section to an
42 employee is sixteen weeks, and includes any period of
43 disability leave related to pregnancy following the
44 birth of a child.

45 c. If accrued leave benefits are available to an
46 employee, the employee may use a combination of
47 accrued sick leave, accrued vacation leave, or unpaid
48 leave of absence during a parental leave. For
49 employees of the state, the department of personnel
50 and the state board of regents shall adopt rules

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1 requiring the use of accrued sick leave and vacation
2 leave during parental leaves; however, the rules shall
3 allow an employee of the state to retain at least ten
4 days of accrued sick leave and five days of accrued
5 vacation leave.

6 d. At the end of the parental leave, the employee
7 shall have the right to be returned to the employee's
8 position from which the parental leave was provided if
9 available or, if not available, to a position of like
10 nature with the equivalent pay.

11 e. If both parents are permanent employees of an
12 employer, unpaid parental leave shall be available to
13 only one parent. Unless an employer provides
14 otherwise, an employee shall not accrue sick leave or
15 vacation leave during a period of unpaid parental
16 leave.

17 f. If made available to an employee through the
18 employee's employer, health insurance or benefits

19 coverage shall continue to be available during a
20 period of unpaid parental leave. For employees of the
21 state, the state shall pay the state portion of the
22 costs of the health insurance coverage during the
23 period of unpaid parental leave.

24 Sec. 5. Section 96.5, subsection 4, Code 1989, is
25 amended by adding the following new unnumbered
26 paragraph:

27 NEW UNNUMBERED PARAGRAPH. A lockout is not a labor
28 dispute.

29 Sec. 6. Section 246.903, Code 1989, is amended to
30 read as follows:

31 246.903 AGREEMENT BY INMATE.

32 An inmate approved to participate in the work
33 release program shall sign a work release agreement.
34 The agreement shall include a statement that the
35 inmate agrees to abide by all terms and conditions of
36 the particular plan adopted for the inmate by the
37 board of parole, shall state the name and address of
38 the proposed employer, if any, and contain terms and
39 conditions the board of parole deems necessary and
40 proper. The agreement shall contain a provision
41 prohibiting an inmate who is placed pursuant to
42 section 246.904 from accepting or engaging in
43 employment involved in a labor boycott or strike. The
44 plan shall be signed by the inmate prior to
45 participation in the program. Approval may be revoked
46 for any reason by a member of the board of parole at
47 any time after being granted.

48 Sec. 7. Section 356.28, Code 1989, is amended to
49 read as follows:

50 356.28 EMPLOYMENT -- RESTRICTIONS.

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1 The sheriff or any suitable person or agency
2 designated by the court may endeavor to secure employ-
3 ment for unemployed prisoners granted privileges under
4 sections 356.26 to through 356.35. However, no
5 prisoner shall accept or engage in any employment
6 involved in a labor boycott or strike.

7 Sec. 8. NEW SECTION. 517.7 WORKERS' COMPENSATION
8 PREMIUMS.

9 The insurance division of the department of
10 commerce shall adopt rules providing that a workers'
11 compensation insurance premium paid by an employer
12 shall consist of two parts, one part relating to
13 payment of medical costs based on hours worked and one
14 part relating to payment of all other workers' compen-
15 sation-related benefits based on payroll.

16 Sec. 9. Section 732.6, subsections 1 and 2, Code
17 1989, are amended to read as follows:

18 1. Unless directly involved in a labor dispute, to
19 knowingly recruit, procure, supply or refer for
20 employment in the place of employees involved in such
21 labor dispute any person or persons who customarily or
22 repeatedly offer themselves as replacements for
23 employees involved in labor disputes or who are
24 inmates participating in a work release program
25 pursuant to sections 246.901 through 246.909 or
26 granted leave privileges pursuant to sections 356.26
27 through 356.35.

28 2. If directly involved in a labor dispute, to
29 knowingly employ in place of employees involved in
30 such dispute persons who customarily or repeatedly
31 offer themselves as replacements for employees
32 involved in labor disputes or who are inmates par-
33 ticipating in a work release program pursuant to
34 sections 246.901 through 246.909 or granted leave
35 privileges pursuant to sections 356.26 through
36 356.35."

37 2. Title page, by striking lines 1 and 2 and
38 inserting the following: "An Act relating to
39 employment rights and benefits."

JACK RIFE

S-3069

1 Amend amendment S-3057 to House File 17 as amended,
2 passed and reprinted by the House, as follows:

3 1. Page 1, by striking lines 10 through 16 and
4 inserting the following:
5 "d. An employer is not required to pay an
6 employee the applicable minimum wage provided in
7 paragraph "a" until the employee has completed ninety
8 days of employment with the employer, but the employer
9 shall pay at least eighty-five percent of the
10 applicable minimum wage. An employee who has
11 completed ninety days of employment with the employer
12 prior to January 1 of 1990, 1991, or 1992, shall earn
13 the applicable minimum wage."

JIM LIND

S-3070

1 Amend House File 17, as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 29 the
4 following:

5 "Sec. ____ EMPLOYEE-EMPLOYER IMPACT STUDY.

6 1. The department of employment services shall
7 conduct an employee-employer impact study of the
8 effects of this Act. The results of the study shall
9 be reported to the general assembly and the governor
10 by July 1, 1990. The study shall examine the period
11 of time between October 1, 1989, and March 31, 1990,
12 and shall include a statistically valid survey of all
13 employers whose employment levels have increased or
14 decreased by ten percent or more. The department may
15 conduct similar studies for the periods of time
16 between October 1, 1990, and March 31, 1991, and
17 between October 1, 1991, and March 31, 1992, with the
18 results of the studies to be reported to the general
19 assembly and the governor by July 1, 1991, and July 1,
20 1992, respectively. All employers regulated in any
21 way by the department of employment services shall
22 respond to the survey and shall make other necessary
23 data available to the department as required to
24 complete the study. The department shall not make
25 available to the public any employee-specific or
26 employer-specific data under the study. The study
27 shall examine, but shall not be limited to, all of the
28 following:

29 a. The effects of this Act on employment levels in
30 this state.

31 b. The effects of this Act by different
32 demographic factors.

33 c. The effects of this Act, including any
34 disproportionate impact, on women, minorities, and
35 young adults.

36 d. The effects of this Act on full-time and part-
37 time employment.

38 e. The effects of this Act on employers by size of
39 employer, number of employees, amounts of gross sales,
40 and other relevant determinants such as economic and
41 seasonality factors.

42 f. The effects of this Act relating to jobs
43 transferred out of state.

44 2. The state, including the state board of
45 regents, and its political subdivisions shall
46 establish programs for governmental employees who are
47 terminated due to the effects of this Act. The
48 programs shall give a preference to qualified persons
49 previously employed by the state, the state board of
50 regents, or a political subdivision when hiring to

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1 fill vacant employee positions. The programs shall
 2 provide retraining for other positions with the state,
 3 the state board of regents, and its political
 4 subdivisions.
 5 3. All state agencies, the state board of regents,
 6 and political subdivisions of this state shall
 7 cooperate fully in providing any data requested by the
 8 department of employment services and shall make
 9 employee records available to the department of
 10 employment services which are relevant to the study
 11 required to be performed under this section."

JIM LIND
 RICHARD F. DRAKE
 MAGGIE TINSMAN
 JOHN E. SOORHOLTZ

S-3071

1 Amend House File 17 as amended, passed, and
 2 reprinted by the House as follows:
 3 1. Page 1, line 12, by inserting after the word
 4 "greater." the following: "If an employer, as defined
 5 in the federal Fair Labor Standards Act, contracts
 6 with another employer for services in a written
 7 contract fully executed prior to the legislature's
 8 passage of an increase in the minimum wage under
 9 paragraph "a", the other employer shall be exempt from
 10 paying the applicable minimum wage until the
 11 expiration of the contract or for a period of six
 12 months following the execution of the contract,
 13 whichever occurs first. A six-month exemption shall
 14 also apply to profit and non-profit businesses that
 15 receive Title XIX funding."

JOE WELSH

S-3072

1 Amend Senate File 148 as follows:
 2 1. Page 1, line 6, by striking the words "commits
 3 a serious" and inserting the following: "commits a
 4 simple".
 5 2. Page 1, line 10, by striking the words "class

6 "D" felony" and inserting the following: "serious
7 misdemeanor".

COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

S-3073

1 Amend Senate File 141 as follows:

2 1. Page 4, by inserting after line 9, the
3 following:

4 "Sec. ____ . Section 78.1, subsection 1, Code 1989,
5 is amended to read as follows:

6 1. ~~Judges Justices~~ of the supreme court and judges
7 of the court of appeals and district courts, including
8 district associate judges and judicial magistrates."

9 2. Page 11, by inserting after line 28, the
10 following:

11 "Sec. ____ . Section 321.123, subsection 1,
12 unnumbered paragraphs 2 and 3, Code 1989, are amended
13 to read as follows:

14 A travel trailer may be stored under the provisions
15 of section 321.134, provided the travel trailer is not
16 used for human habitation for any period during
17 storage and is not moved upon the highways of the
18 state. A travel trailer stored under the provisions
19 of section 321.134 shall is not be subject to either a
20 personal property tax or a mobile home tax assessed
21 under the provisions of chapter 135D.

22 If a travel trailer has been registered under this
23 chapter at any time during a calendar year, the travel
24 trailer is not subject to a personal property tax for
25 that year.

26 Sec. ____ . Section 321.130, Code 1989, is amended
27 to read as follows:

28 321.130 FEES IN LIEU OF TAXES.

29 The registration fees imposed by this chapter upon
30 private passenger motor vehicles or semitrailers are
31 in lieu of all state and local taxes, except local
32 vehicle taxes, to which motor vehicles or semitrailers
33 are subject; and if a motor vehicle or semitrailer has
34 been registered at any time under this chapter it
35 shall not thereafter be subject to a personal property
36 tax unless the motor vehicle or semitrailer has been
37 in storage continuously as an unregistered motor
38 vehicle or semitrailer during the preceding
39 registration year."

40 3. Page 15, by inserting after line 19, the
41 following:

42 "Sec. ____ . Section 384.1, Code 1989, is amended to
43 read as follows:

44 384.1 TAXES CERTIFIED.

45 A city may certify taxes to be levied by the county
46 on all taxable property within the city limits, for
47 all city government purposes. However, the tax levied
48 by a city on tracts of land and improvements thereon
49 used and assessed for agricultural or horticultural
50 purposes, ~~may~~ shall not exceed three dollars and

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1 three-eighths cents per thousand dollars of assessed
2 value in any year. Improvements ~~and personal property~~
3 located on such tracts of land and not used for
4 agricultural or horticultural purposes and all
5 residential dwellings ~~shall be~~ are subject to the same
6 rate of tax levied by the city on all other taxable
7 property within the city. A city's tax levy for the
8 general fund ~~may~~ shall not exceed eight dollars and
9 ten cents per thousand dollars of taxable value in any
10 tax year, except for the levies authorized in section
11 384.12.

12 Sec. ____ . Section 420.207, Code 1989, is amended
13 to read as follows:

14 420.207 TAXATION IN GENERAL.

15 Sections 427.1, 427.3 to 427.11, 428.4, ~~428.16 to~~
16 ~~428.20, 428.22, 428.23, 436.10, 436.11, 437.1, 437.3,~~
17 ~~437.14, 441.21, 443.1 to 443.3, 444.2 to 444.5, and~~
18 ~~447.9 to 447.13, so far as applicable, apply to cities~~
19 ~~acting under special charters."~~

20 4. Page 16, by inserting after line 32, the
21 following:

22 "Sec. ____ . Section 427.1, subsections 10, 15, 16,
23 21, 28, 29, and 35, Code 1989, are amended by striking
24 the subsections.

25 Sec. ____ . Section 427.1, subsections 12, 13, 19,
26 and 30, Code 1989, are amended to read as follows:

27 12. HOMES FOR SOLDIERS. The buildings; and
28 grounds; ~~furniture, and household equipment~~ of homes
29 owned and operated by organizations of soldiers,
30 sailors, or marines of any of the wars of the United
31 States when used for a home for disabled soldiers,
32 sailors, or marines and not operated for pecuniary
33 profit.

34 13. AGRICULTURAL PRODUCE. Growing agricultural
35 and horticultural crops ~~and products~~, except
36 commercial orchards and vineyards; ~~and all~~
37 ~~horticultural and agricultural produce harvested by or~~
38 ~~for the person assessed within one year previous to~~

39 the listing, all wool shorn from the person's sheep
40 within such time, all poultry, ten stands of bees,
41 honey and beeswax produced during that time and
42 remaining in the possession of the producer, and all
43 livestock.

44 19. CAPITAL STOCK OF COMPANIES. The shares of
45 capital stock of telegraph and telephone companies,
46 freight-line and equipment companies, transmission
47 line companies as defined in section 437.1, express
48 companies, ~~corporations engaged in merchandising as~~
49 ~~defined in section 428.16~~, domestic corporations
50 engaged in manufacturing as defined in section 428.20,

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1 and manufacturing corporations organized under the
2 laws of other states having their main operating
3 offices and principal factories in the state of Iowa,
4 and corporations not organized for pecuniary profit.

5 30. RURAL WATER SALES. The real ~~and personal~~
6 property of a nonprofit corporation engaged in the
7 distribution and sale of water to rural areas when
8 devoted to public use and not held for pecuniary
9 profit.

10 Sec. ____ . Section 427.3, subsection 5, Code 1989,
11 is amended to read as follows:

12 5. The provisions of this section shall apply to
13 personal property held in partnership but not in
14 excess of the value of the veteran's share actually
15 held. ~~Wherever~~ Where the word "soldier" shall appear
16 appears in this chapter, it shall be construed to
17 ~~include~~ includes, without limitation, the members of
18 the United States air force and the United States
19 merchant marine.

20 Sec. ____ . Section 427.5, unnumbered paragraph 2,
21 Code 1989, is amended to read as follows:

22 The person shall file with the appropriate assessor
23 on forms obtained from the assessor the claim for
24 exemption for the year for which the person is first
25 claiming the exemption. The claim shall be filed not
26 later than July 1 of the year for which the person is
27 claiming the exemption. The claim shall set out the
28 fact that the person is a resident of and domiciled in
29 the state of Iowa, and a person within the terms of
30 section 427.3, and shall give the volume and page on
31 which the certificate of satisfactory service, order
32 of separation, retirement, furlough to reserve,
33 inactive status, or honorable discharge or certified
34 copy thereof is recorded in the office of the county
35 recorder, and may include the designation of the

36 property from which the exemption is to be made, and
 37 shall further state that the claimant is the equitable
 38 ~~and or~~ legal owner of the property designated.

39 Sec. ____ . Section 427.8, Code 1989, is amended to
 40 read as follows:

41 427.8 PETITION FOR SUSPENSION OR CANCELLATION OF
 42 TAXES, ASSESSMENTS, AND RATES.

43 If a person, by reason of age or infirmity, is
 44 unable to contribute to the public revenue, the person
 45 may file a petition, duly sworn to, with the board of
 46 supervisors, stating that fact and giving a statement
 47 of real property; ~~real and personal~~; owned or
 48 possessed by the petitioner, and other information as
 49 the board may require. The board of supervisors may
 50 order the county treasurer to suspend the collection

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1 of the taxes, special assessments under sections
 2 384.37 through 384.79, and rates or assessments
 3 imposed under section 384.84 or chapter 317 or 364
 4 which are assessed against the petitioner or the
 5 petitioner's estate, or both, for the current year and
 6 those unpaid for prior years, or the board may cancel
 7 and remit the taxes, special assessments, and other
 8 assessments or rates. However, the petition must
 9 first be approved by the council of the city in which
 10 the property of the petitioner is located, or by the
 11 township trustees of the township in which the
 12 property is located.

13 Sec. ____ . Section 427.13, Code 1989, is amended to
 14 read as follows:

15 427.13 WHAT TAXABLE.

16 All other real property; ~~real or personal~~; is
 17 subject to taxation in the manner prescribed, and this
 18 section is also intended to embrace:

19 1. ~~Ferry ferry~~ franchises and toll bridges, which,
 20 for the purpose of this chapter are considered real
 21 property.

22 2. ~~Household furniture, beds and bedding made use~~
 23 ~~of in hotels and boarding houses and not hereinbefore~~
 24 ~~exempted.~~

25 3. ~~Gold and silver plate, watches, jewelry, and~~
 26 ~~musical instruments.~~

27 4. ~~Every description of vehicle, including~~
 28 ~~bicycles, except as otherwise provided.~~

29 5. ~~Threshing machines.~~

30 6. ~~Boats and vessels of every description,~~
 31 ~~wherever registered or licensed, and whether~~
 32 ~~navigating the waters of the state or not, if owned~~

33 either wholly or in part by inhabitants of this state,
34 to the amount owned in this state.

35 However, ~~the provisions~~ of this section shall be is
36 subject to ~~the provisions of~~ section 427.1.

37 Sec. ____ . Section 428.1, subsection 4, Code 1989,
38 is amended by striking the subsection.

39 Sec. ____ . Section 428.4, unnumbered paragraph 1,
40 Code 1989, is amended to read as follows:

41 Property shall be assessed for taxation each year.
42 ~~Personal property shall be listed and assessed in 1980~~
43 ~~and every two years thereafter in the name of the~~
44 ~~owner of the personal property on the first day of~~
45 ~~January and the assessment made shall be the value of~~
46 ~~the personal property as of January 1 of the year of~~
47 ~~the assessment.~~ Real estate shall be listed and
48 assessed in 1981 and every two years thereafter. The
49 assessment of real estate shall be the value of the
50 real estate as of January 1 of the year of the

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1 assessment. The year 1981 and each odd-numbered year
2 thereafter shall be a reassessment year. In any year,
3 after the year in which an assessment has been made of
4 all the real estate ~~or personal property~~ in any an
5 assessing jurisdiction, it ~~shall be the duty of~~ the
6 assessor to shall value and assess or revalue and
7 reassess, as the case may require, any real estate ~~and~~
8 ~~personal property~~ that the assessor finds was
9 incorrectly valued or assessed, or was not listed,
10 valued, and assessed, in the assessment year
11 immediately preceding, also any real estate ~~or~~
12 ~~personal property~~ the assessor finds has changed in
13 value subsequent to January 1 of the preceding real
14 estate ~~or personal property~~ assessment year. However,
15 a percentage increase on a class of property shall not
16 be made in a year not subject to an equalization order
17 unless ordered by the department of revenue and
18 finance. The assessor shall determine the actual
19 value and compute the taxable value thereof as of
20 January 1 of the year of the revaluation and
21 reassessment. The assessment shall be completed as
22 specified in section 441.28, but no reduction or
23 increase in actual value shall be made for prior
24 years. If an assessor makes a change in the valuation
25 of the real estate as provided for herein, ~~the~~
26 ~~provisions of~~ sections 441.23, 441.37, 441.38 and
27 441.39 ~~shall~~ apply.

28 Sec. ____ . Section 428.4, unnumbered paragraph 4,
29 Code 1989, is amended by striking the unnumbered

30 paragraph.

31 Sec. ____ . Section 428.10, Code 1989, is amended to
32 read as follows:

33 428.10 ICE AND COAL DEALERS.

34 Each ice or coal dealer shall be assessed upon the
35 average amount of capital used by the dealer in
36 conducting the dealer's business. In estimating the
37 amount of capital so used, there shall be taken into
38 consideration the increase and decrease of the value
39 of ice and coal held in store, and upon the value of
40 the dealer's warehouses or ice houses situated upon
41 lands leased from railway companies or other persons,
42 and upon the value, if any, of such leasehold
43 interest.

44 ~~Such assessment shall be listed as personal~~
45 ~~property.~~ In determining the average amount of
46 capital invested the assessor shall take into
47 consideration the entire year's business prior to
48 January 1, next preceding the assessment period.

49 Sec. ____ . Section 428.20, Code 1989, is amended to
50 read as follows:

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1 428.20 "MANUFACTURER" DEFINED -- DUTY TO LIST.

2 ~~Any A person, firm, or corporation~~ who purchases,
3 receives, or holds personal property of any
4 description for the purpose of adding to the its value
5 ~~thereof by any a~~ process of manufacturing, refining,
6 purifying, combining of different materials, or by the
7 packing of meats, with a view to selling the ~~same~~
8 ~~property~~ for gain or profit, ~~shall be deemed is a~~
9 ~~manufacturer~~ "manufacturer" for the purposes of this
10 title, and shall list such property for taxation.

11 Sec. ____ . Section 428.23, Code 1989, is amended to
12 read as follows:

13 428.23 MANUFACTURER TO LIST.

14 Corporations organized under the laws of this state
15 for pecuniary profit and engaged in manufacturing as
16 defined in section 428.20 shall list their real
17 ~~estate, personal~~ property ~~not hereinbefore mentioned,~~
18 ~~and moneys and credits~~ in the same manner as is
19 required of individuals.

20 Sec. ____ . Section 428.35, subsection 6, Code 1989,
21 is amended to read as follows:

22 6. PAYMENT OF TAX. ~~Such specific~~ The tax, when
23 determined ~~as aforesaid~~, shall be entered in the same
24 manner as general ~~personal~~ property taxes on the tax
25 list of the taxing district, and the proceeds of the
26 collection of ~~such the~~ tax shall be distributed to the

27 same taxing units and in the same proportion as the
28 general ~~personal~~ property tax on the tax list of ~~said~~
29 ~~each~~ taxing district. All provisions of the law
30 relating to the assessment and collection of ~~personal~~
31 property taxes and the powers and duties of the county
32 treasurer, county auditor and all other officers with
33 respect to the assessment, collection, and enforcement
34 of ~~personal~~ property taxes shall apply to the
35 assessment, collection, and enforcement of the tax
36 imposed by this section.

37 Sec. ____ . Section 428.36, Code 1989, is amended to
38 read as follows:

39 428.36 LISTING PROPERTY OF FINANCIAL INSTITUTIONS.

40 The real estate, fixtures, ~~and~~ equipment, ~~and~~
41 ~~tangible personal property as defined in section~~
42 ~~427A.1~~, of every financial institution, as defined in
43 chapter 422, division V, and of every credit union
44 established under chapter 533 shall be listed,
45 assessed, and taxed to the institution or the credit
46 union in the same manner and at the same rate as such
47 property in the hands of individuals.”

48 5. By striking page 16, line 33 through page 18,
49 line 35 and inserting the following:

50 “Sec. ____ . Section 430A.6, Code 1989, is amended

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1 to read as follows:

2 430A.6 REAL ~~AND PERSONAL~~ PROPERTY ASSESSMENT.

3 All real ~~and tangible personal~~ property of
4 individuals, corporations or agencies subject to ~~the~~
5 ~~provisions of~~ this chapter and located within the
6 state of Iowa shall be assessed in the same manner as
7 other real ~~and tangible personal~~ property.

8 Sec. ____ . Section 432.7, Code 1989, is amended to
9 read as follows:

10 432.7 ASSESSMENT.

11 It ~~shall be the duty of the~~ The assessor ~~shall~~,
12 upon the receipt of ~~said the~~ statements, and from
13 other information acquired by the assessor, ~~to~~ assess
14 against every corporation or association referred to
15 in section 432.6, ~~the value of all personal property~~
16 ~~owned by such corporation or association, together~~
17 ~~with~~ the actual value of each parcel of real estate
18 situated in the assessment district of ~~such the~~
19 assessor, and all the ~~said~~ property shall be assessed
20 at the same rate, and for the same purposes as the
21 property of private individuals, as provided in
22 section 441.21.

23 Sec. ____ . Section 433.11, Code 1989, is amended to

24 read as follows:

25 433.11 OTHER REAL AND PERSONAL PROPERTY.

26 Land, lots, and other real estate and personal
27 property belonging to ~~any a~~ telegraph company or
28 telephone company not used exclusively in its
29 telegraph or telephone business shall be are subject
30 to assessment and taxation on the same basis as other
31 property of individuals in the ~~several~~ counties where
32 situated."

33 6. Page 19, by striking lines 22 and 23, and
34 inserting the following:

35 "Sec. ____ . Section 441.17, subsections 2 and 10,
36 Code 1989, are amended to read as follows:

37 2. Cause to be assessed, in accordance with
38 section 441.21, all the property; ~~personal and real~~;
39 in the assessor's county or city ~~as the case may be~~,
40 except ~~such as is~~ property exempt from taxation, or
41 the assessment of which is otherwise provided for by
42 law."

43 7. Page 20, by inserting after line 5, the
44 following:

45 "Sec. ____ . Section 441.19, unnumbered paragraph 1,
46 and subsection 1, Code 1989, are amended to read as
47 follows:

48 The assessor shall list every person in the
49 assessor's county or city as the case may be and
50 assess all the property ~~therein; personal and real in~~ in

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1 the county or city, except ~~such as is heretofore~~
2 property exempted or otherwise assessed. ~~Any A~~ person
3 who ~~shall refuse~~ refuses to assist in making out a
4 list of the person's property, or of any property
5 which the person is by law required to assist in
6 listing, ~~or who shall refuse to make either of the~~
7 ~~oaths or affirmations or combinations thereof required~~
8 ~~by section 441.20; shall be is~~ guilty of a simple
9 misdemeanor.

10 1. Supplemental and optional to the procedure for
11 the assessment of property by the assessor as provided
12 in this chapter, the assessor is ~~hereby authorized to~~
13 may require from all persons required to list their
14 property for taxation as provided by sections 428.1;
15 ~~and 428.2 and 428.3~~, a supplemental return to be
16 prescribed by the director of revenue and finance upon
17 which ~~such the~~ the person shall list the person's
18 property. ~~Such The~~ supplemental return shall be in
19 substantially the same form as now prescribed by law

20 for the assessment rolls used in the listing of
21 property by the assessors; ~~and the director of revenue~~
22 ~~and finance may prescribe separate supplemental forms~~
23 ~~for the listing of personal property, both tangible~~
24 ~~and intangible. It shall be the duty of every~~ Every
25 person required to list property for taxation ~~to shall~~
26 make a complete listing of ~~such the~~ property upon ~~such~~
27 supplemental forms and ~~to return the same listing to~~
28 the assessor as promptly as possible. ~~Such The~~ return
29 shall be verified over the signature of the person
30 making the return and ~~the provisions of section 441.25~~
31 ~~shall apply~~ applies to any person making such a
32 return. The assessor shall make ~~such~~ supplemental
33 return forms available as soon as practicable after
34 the first day of January of each year. The assessor
35 shall make ~~such~~ supplemental return forms available to
36 the taxpayer by mail, or at a designated place within
37 the taxing district.

38 Sec. ____ . Section 441.21, subsection 1, paragraphs
39 a and c, Code 1989, are amended to read as follows:

40 a. All ~~real and tangible personal~~ property subject
41 to taxation shall be valued at its actual value which
42 shall be entered opposite each item, and, except as
43 otherwise provided in this section, shall be assessed
44 at one hundred percent of its actual value, and the
45 value so assessed shall be taken and considered as the
46 assessed value and taxable value of the property upon
47 which the levy shall be made.

48 c. In assessing and determining the actual value
49 of special purpose industrial ~~real and tangible~~
50 ~~personal~~ property having an actual value of five

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1 million dollars or more, the assessor shall equalize
2 the values of such property with the actual values of
3 other comparable special purpose industrial property
4 in other counties of the state. Such special purpose
5 industrial property includes, but is not limited to
6 chemical plants. If a variation of ten percent or
7 more exists between the actual values of comparable
8 industrial property having an actual value of five
9 million dollars or more located in separate counties,
10 the assessors of ~~such the~~ counties shall consult with
11 each other and with the department of revenue and
12 finance to determine if adequate reasons exist for
13 ~~such the~~ variation. If no ~~such adequate~~ reasons
14 exist, the assessors shall make adjustments in ~~such~~
15 ~~the~~ actual values to provide for a variation of ten
16 percent or less. For the purposes of this paragraph,

17 special purpose industrial property includes
 18 structures which are designed and erected for
 19 operation of a unique and special use, are not
 20 rentable in existing condition, and are incapable of
 21 conversion to ordinary commercial or industrial use
 22 except at a substantial cost."

23 8. Page 21, by inserting after line 26 the
 24 following:

25 "Sec. ____ . Section 441.35, subsection 1, Code
 26 1989, is amended to read as follows:

27 1. To equalize assessments by raising or lowering
 28 the individual assessments of real property, including
 29 new buildings, ~~personal property or moneys and credits~~
 30 made by the assessor.

31 Sec. ____ . Section 441.45, Code 1989, is amended to
 32 read as follows:

33 441.45 ABSTRACT TO STATE DEPARTMENT OF REVENUE AND
 34 FINANCE.

35 The county assessor of each county and each city
 36 assessor shall, on or before July 1 of each year, make
 37 out and transmit to the department of revenue and
 38 finance an abstract of the real ~~and personal~~ property
 39 in the assessor's county or city, as the case may be,
 40 and file a copy ~~thereof of the abstract~~ with the
 41 county auditor, in which the assessor shall set forth:

42 1. The number of acres of land and the aggregate
 43 taxable values of the ~~same land~~, exclusive of city
 44 lots, returned by the assessors, as corrected by the
 45 board of review.

46 2. The aggregate taxable values of real estate by
 47 class in each township and city in the county,
 48 returned as corrected by the board of review.

49 ~~3. The aggregate taxable values of personal~~
 50 ~~property.~~

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1 43. Other facts ~~as may~~ be required by the
 2 director of revenue and finance.

3 ~~In any case where~~ If a board of review continues in
 4 session beyond June 1, under ~~provisions~~ of sections
 5 441.33 and 441.37, the abstract of the real ~~and~~
 6 ~~personal~~ property shall be made out and transmitted to
 7 the department of revenue and finance within fifteen
 8 days after the date of final adjournment by ~~said the~~
 9 board.

10 Sec. ____ . Section 443.2, unnumbered paragraph 1,
 11 Code 1989, is amended to read as follows:

12 Before the first day of July in each year, the
 13 county auditor shall transcribe the assessments of the

14 townships and cities into a book or record, to be
15 known as the tax list, properly ruled and headed, with
16 separate columns, in which shall be entered the names
17 of the taxpayers, descriptions of lands, number of
18 acres and value, numbers of city lots and value, ~~value~~
19 ~~of personal property~~ and each description of tax, with
20 a column for polls and one for payments, and shall
21 complete it by entering the amount due on each
22 installment, separately, and carrying out the total of
23 both installments. The total of all columns of each
24 page of each book or other record shall balance with
25 the tax totals. After computing the amount of tax due
26 and payable on each property, the county auditor shall
27 round the total amount of tax due and payable on the
28 property to the nearest even whole dollar.”

29 9. Page 21, by inserting after line 31, the
30 following:

31 “Sec. ____ . Section 515B.12, Code 1989, is amended
32 to read as follows:

33 515B.12 TAX EXEMPTION.

34 The association is exempt from payment of all fees
35 and all taxes levied by this state or any of its
36 subdivisions, except taxes levied on ~~real or personal~~
37 property.

38 Sec. ____ . Section 533.24, unnumbered paragraph 1,
39 Code 1989, is amended to read as follows:

40 A credit union shall be deemed an institution for
41 savings and ~~shall be~~ is subject to taxation only as to
42 its real estate, ~~tangible personal property, and~~
43 moneys and credits. The shares shall not be taxed.”

44 10. Page 22, by inserting after line 24, the
45 following:

46 “Sec. ____ . Section 602.7103, subsection 1, Code
47 1989, is amended to read as follows:

48 1. The ~~chief judge of the juvenile court~~ may
49 appoint and may remove for cause with due process a
50 juvenile court referee. The referee shall be an

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1 attorney admitted to practice law in this state, and
2 shall be qualified for duties by training and
3 experience.”

4 11. Page 25, by striking line 11 and inserting
5 the following: “426.9, 427.16, 428.3, 428.8, 428.12,
6 428.16 through 428.19, 428.21, and 441.20, Code 1989,
7 are repealed.”

8 12. By renumbering as necessary.

COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

S-3074

- 1 Amend Senate File 52 as follows:
- 2 1. Page 1, line 2, by striking the word “,
- 3 approved” and inserting the following: “district,
- 4 accredited”.
- 5 2. Page 1, line 3, by striking the words “public
- 6 school district” and inserting the following: “area
- 7 education agency”.
- 8 3. Page 1, by striking lines 8 through 10, and
- 9 inserting the following: “the employee uses
- 10 reasonable force, as defined under section 704.1, for
- 11 the protection of the employee, the student, or other
- 12 students; to obtain the possession of a weapon or
- 13 other dangerous object within a student's control; or
- 14 for the protection of property.”

COMMITTEE ON EDUCATION
LARRY MURPHY, Chairperson

S-3075

- 1 Amend Senate Resolution 5 as follows:
- 2 1. Page 7, by inserting after line 9, the
- 3 following:
- 4 “Utilities Board, Chairperson
- 5 1 term commencing 5-1-89 and ending 4-30-91”

CALVIN O. HULTMAN

S-3076

- 1 Amend Senate File 148 as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 “who” the following: “knowingly, and”.
- 4 2. Page 1, line 8, by inserting after the word
- 5 “who” the following: “knowingly, and”.

MICHAEL E. GRONSTAL

S-3077

- 1 Amend Senate File 154 as follows:
- 2 1. Page 10, line 11, by striking the words “1
- 3 tangible, or intangible” and inserting the following:
- 4 “or tangible”.

WILLIAM W. DIELEMAN

S-3078

- 1 Amend Senate File 141 as follows:
- 2 1. Page 7, by inserting after line 17 the
- 3 following:
- 4 “Sec. ____ . Section 237.15, subsection 4, Code
- 5 1989, is amended to read as follows:
- 6 4. “Person or court responsible for the child”
- 7 means the department, including but not limited to the
- 8 department of human services, agency, or individual
- 9 who is the guardian of a ~~neglected, dependent, or~~
- 10 ~~delinquent~~ child by court order issued by the juvenile
- 11 or district court and has the responsibility of the
- 12 care of the child, or the court having jurisdiction
- 13 over the child.”

COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

S-3079

- 1 Amend Senate File 130, as follows:
- 2 1. Page 1, lines 16 through 17, by striking the
- 3 words “electronic funds transfer” and inserting the
- 4 following: “~~electronic funds transfer~~”.
- 5 2. Page 3, line 20, by striking the word “that”
- 6 and inserting the following: “when”.
- 7 3. Page 6, line 35, by inserting after the word
- 8 “provided” the following: “with”.

COMMITTEE ON COMMERCE
WILLIAM D. PALMER, Chairperson

S-3080

- 1 Amend Senate File 223 as follows:
- 2 1. Page 5, line 2, by striking the words “by or
- 3 contracted with”.

4 2. Page 5, line 4, by inserting after the figure
 5 "260." the following: "If a board contracts for the
 6 operation of a program, the program shall be under the
 7 oversight of an appropriately certificated teacher.
 8 If the program contracted with was in existence on the
 9 effective date of this Act, oversight of the program
 10 shall be provided by the district. If the program
 11 contracted with was not in existence on the effective
 12 date of this Act, the director of the program shall be
 13 a certificated teacher and the director shall provide
 14 program oversight. Any director of a program
 15 contracted with by a school district under this
 16 section who is not a certificated teacher shall be
 17 required to register with the department of
 18 education."
 19 3. Page 5, line 8, by inserting after the word
 20 "personnel" the following: ", which may include
 21 certificated personnel,".

MAGGIE TINSMAN
 LARRY MURPHY
 CHARLES BRUNER
 RICHARD VARN
 JEAN LLOYD-JONES
 JOY CORNING
 DALE L. TIEDEN
 JIM LIND

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 17

S-3081

1 Amend the Senate amendment, H-3150, to House File
 2 17, as amended, passed, and reprinted by the House as
 3 follows:
 4 1. Page 1, by striking lines 17 through 19.
 5 2. By renumbering as necessary.

S-3082

1 Amend Senate File 154 as follows:
 2 1. Page 1, by striking lines 19 through 21, and
 3 inserting the following: "person may appear and be
 4 heard. The hearing shall be held in the county of the

5 permit holder's place of business, or in a county in
6 or through which it transacts business. The hearing".

JIM LIND

S-3083

- 1 Amend Senate File 149 as follows:
2 1. Page 5, by striking lines 16 through 32.

JULIA GENTLEMAN

S-3084

- 1 Amend Senate File 149 as follows:
2 1. Page 1, line 34, by striking the words "be
3 responsible for" and inserting the following:
4 "cause".
5 2. Page 1, line 35, by striking the words "child
6 child's attendance in" and inserting the following:
7 "child in to attend".
8 3. Page 4, by inserting after line 21 the
9 following:
10 "Sec. ____ . NEW SECTION. 299.5A MEDIATION.
11 If a child is truant as defined in section 299.8,
12 school officers shall attempt to find the cause for
13 the child's absence and use every means available to
14 the school to assure that the child does attend. If
15 the parent, legal or actual guardian, or child refuses
16 to accept the school's attempt to cure the child's
17 nonattendance or the school's attempt to assure the
18 child's attendance is otherwise unsuccessful, the
19 truancy officer shall refer the matter to the county
20 attorney for mediation.
21 The county attorney shall cause a notice of the
22 referral to be sent to the parent or legal or actual
23 guardian and designate a person to serve as mediator
24 in the matter. If mediation services are available in
25 the community, those services may be used as the
26 designated mediation service. The mediator shall
27 contact the school, the parent or legal or actual
28 guardian, and any other person the mediator deems
29 appropriate in the matter and arrange meeting dates
30 and times for discussion of the child's nonattendance.
31 The mediator shall attempt to ascertain the cause of
32 the child's nonattendance, attempt to cause the
33 parties to arrive at an agreement relative to the
34 child's attendance, and initiate referrals to any

35 agencies or counseling that the mediator believes to
 36 be appropriate under the circumstances.
 37 If the parties reach an agreement, the agreement
 38 shall be reduced to writing and signed by a school
 39 officer, parent or legal or actual guardian, and the
 40 child. The mediator, the school, and the parent or
 41 legal or actual guardian shall each receive a copy of
 42 the agreement, which shall set forth the settlement of
 43 the issues and future responsibilities of each party.
 44 The school district shall be responsible for
 45 monitoring any agreements arrived at through
 46 mediation. If a parent or legal or actual guardian
 47 refuses to engage in mediation or violates a term of
 48 the agreement, the matter shall be rereferred to the
 49 county attorney for prosecution under section 299.6.”
 50 4. Page 4, line 26, by inserting after the word

Page 2

1 “violates” the following: “a mediation agreement
 2 under section 299.5A or”.
 3 5. Page 4, line 27, by inserting after the figure
 4 “299.5” the following: “or refuses to participate in
 5 mediation under section 299.5A”.
 6 6. Page 9, by inserting after line 4 the
 7 following:
 8 “____. Develop definitions of the terms “at-risk
 9 student” and “dropout” which are appropriate for
 10 students in middle and high schools and which will
 11 assist districts in identifying students in need of
 12 alternative academic programming.”
 13 7. By renumbering as necessary.

ELAINE SZYMONIAK

S-3085

1 Amend Senate File 149 as follows:
 2 1. Page 5, by inserting after line 10, the
 3 following:
 4 “If community service is imposed as part of a
 5 sentencing order, the court may require that part or
 6 all of the service be performed for a public school
 7 district or nonpublic school if the court finds that
 8 service in the school is appropriate under the
 9 circumstances.”
 10 2. Page 7, line 10, by striking the words “the
 11 school year” and inserting the following: “a three-
 12 year period”.

13 3. Page 7, line 14, by inserting after the word
 14 "reports" the following: "an analysis of the data,
 15 and policy recommendations based on the data
 16 analysis".
 17 4. Page 7, line 22, by striking the word "proper"
 18 and inserting the following: "proper appropriate".
 19 5. Page 7, line 26, by striking the word "such"
 20 and inserting the following: "such the".
 21 6. Page 7, line 27, by striking the word "such"
 22 and inserting the following: "such the".
 23 7. Page 7, line 27, by inserting after the word
 24 "education" the following: "program".
 25 8. Page 8, line 3, by striking the word "such"
 26 and inserting the following: "such the".
 27 9. Page 8, line 4, by striking the word "such"
 28 and inserting the following: "such the".
 29 10. Page 8, line 9, by striking the words "is
 30 satisfied" and inserting the following: "is satisfied
 31 determines".
 32 11. Page 8, line 16, by striking the word "such"
 33 and inserting the following: "such the".
 34 12. Page 8, line 22, by striking the words "in
 35 terms of the" and inserting the following: "on".
 36 13. Page 8, line 24, by striking the words "in
 37 terms of" and inserting the following: "with respect
 38 to".

LARRY MURPHY
 PAT DELUHERY
 JEAN LLOYD-JONES
 MAGGIE TINSMAN

S-3086

1 Amend Senate File 229 as follows:
 2 1. Page 1, line 32, by inserting after the word
 3 "motion." the following: "If a written complaint
 4 filed with the board under this subsection does not
 5 result in the initiation of a formal proceeding before
 6 the board, the complainant shall not be precluded from
 7 any issues arising from the complaint in a subsequent
 8 adjudication."

MICHAEL E. GRONSTAL

S-3087

1 Amend the amendment, S-3084, to Senate File 149 as

2 follows:

- 3 1. Page 1, lines 16 and 17, by striking the words
 4 "cure the child's nonattendance" and inserting the
 5 following: "assure the child's attendance".
 6 2. Page 1, line 20, by inserting after the word
 7 "mediation" the following: "or prosecution".
 8 3. Page 1, line 21, by striking the word "The"
 9 and inserting the following: "If the matter is
 10 referred for mediation, the".

ELAINE SZYMONIAK
 PAT DELUHERY

S-3088

1 Amend Senate File 124 as follows:

- 2 1. Page 12, by striking line 29 and inserting the
 3 following: "in a part of the county outside a city,
 4 one-half of one percent of the".
 5 2. Page 12, line 32, by inserting after the word
 6 "county." the following: "Another one-half of one
 7 percent of the adjusted gross receipts shall be
 8 remitted to the treasurer of the Iowa city nearest to
 9 where the dock is located and shall be deposited in
 10 the general fund of the city."

ELAINE SZYMONIAK

S-3089

- 1 Amend House File 88, as passed by the House, as
 2 follows:

DIVISION S—3089A

- 3 1. Page 1, line 11, by striking the words "and a
 4 wildlife habitat stamp".

DIVISION S—3089B

- 5 2. Page 1, line 14, by inserting after the word
 6 "procedures." the following: "The nonresident wild
 7 turkey hunting license is valid for male turkeys only.
 8 A nonresident applying for a wild turkey hunting
 9 license must exhibit proof of having successfully
 10 completed a hunter safety and ethics education program
 11 as provided in section 110.27 or its equivalent as

12 determined by the department before the license is
13 issued.”

DIVISION S—3089A (cont'd.)

14 3. Page 1, lines 18 and 19, by striking the words
15 “and a wildlife habitat stamp”.

DIVISION S—3089C

16 4. Page 1, line 21, by inserting after the word
17 “procedures.” the following: “The nonresident deer
18 hunting license is valid for antlered deer only. A
19 nonresident applying for a deer hunting license must
20 exhibit proof of having successfully completed a
21 hunter safety and ethics education program as provided
22 in section 110.27 or its equivalent as determined by
23 the department before the license is issued.”

LARRY MURPHY

S-3090

1 Amend Senate File 201 as follows:
2 1. Page 1, by striking lines 5 through 10 and
3 inserting the following: “contact between two or more
4 persons; by: penetration of the penis into the vagina
5 or anus; ~~by~~; contact between the mouth and genitalia
6 or by contact between the genitalia of one person and
7 the genitalia or anus of another person; contact
8 between the finger or hand of one person and the
9 genitalia or anus of another person, except in the
10 course of examination or treatment by a person
11 licensed pursuant to chapters 148, 148C, 150, 150A or
12 152; or by use of artificial sexual organs”.

MARK R. HAGERLA

S-3091

1 Amend Senate File 201 as follows:
2 1. Page 1, by inserting after line 11, the
3 following:
4 “Sec. ____ . NEW SECTION. 709.14 LASCIVIOUS
5 CONDUCT WITH A MINOR. It is unlawful for a person
6 over eighteen years of age who is in a position of
7 authority over a minor, other than the spouse of a
8 minor, to force, persuade, or coerce a minor, with or

9 without consent, to disrobe or partially disrobe for
10 the purpose of arousing or satisfying the sexual
11 desires of either of them.
12 Lascivious conduct with a minor is a serious
13 misdemeanor.”

JOE WELSH
ROBERT M. CARR

S-3092

1 Amend Senate File 216 as follows:
2 1. Page 1, by striking lines 18 through 30 and
3 inserting the following:
4 “b. If the next of kin, guardian, or other person
5 authorized to act on behalf of a deceased person has
6 requested that the body of the deceased person be
7 cremated, a permit for cremation must be issued by a
8 medical examiner. Cremation permits by the medical
9 examiner must be made on the most current forms
10 prepared at the direction of and approved by the state
11 medical examiner, with copies forwarded to the state
12 medical examiner's office. Costs for the cremation
13 permit issued by the medical examiner shall be borne
14 by the family, next of kin, or guardian of the
15 decedent.”
16 2. Title page, by striking lines 1 through 3 and
17 inserting the following: “An Act relating to the
18 issuance of cremation permits, providing reporting
19 requirements, providing for the”.

LARRY MURPHY

S-3093

1 Amend House File 199 as passed by the House as
2 follows:
3 1. Page 1, by striking line 15 and inserting the
4 following:
5 “d. The insurance division shall promulgate
6 administrative rules that set forth provisions under
7 which insurers, non-profit hospital and medical
8 services corporations and health maintenance
9 organizations may provide for coverage of mammograms
10 which are not covered by Medicare under individual and
11 group Medicare supplemental policies.”
12 2. Page 1, by striking lines 31 through 35.

MICHAEL E. GRONSTAL

S-3094

- 1 Amend Senate File 141 as follows:
2 1. Page 25, by inserting after line 9 the
3 following:
4 "Sec. ____ . 1982 Iowa Acts, chapter 1162, section
5 14, is amended to read as follows:
6 SEC. 14. This Act shall take effect July 1
7 following its enactment and shall apply to persons
8 sentenced for crimes committed after the effective
9 date of this Act."
10 2. By renumbering as necessary.

COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

S-3095

- 1 Amend Senate File 141 as follows:
2 1. Page 7, by inserting after line 17, the
3 following:
4 "Sec. ____ . Section 237.16, unnumbered paragraph 1,
5 Code 1989, is amended to read as follows:
6 The state foster care review board is created
7 within the department of inspections and appeals. The
8 state board consists of seven members appointed by the
9 governor, subject to confirmation by the senate and
10 directly responsible to the governor. The appointment
11 is for a term of four years which begins and ends as
12 provided in section 69.19. Vacancies on the state
13 board shall be filled in the same manner as original
14 appointments are made."
15 2. Page 22, by inserting after line 11, the
16 following:
17 "Sec. ____ . Section 601K.33, subsection 5, Code
18 1989, is amended to read as follows:
19 5. The members of the commission appointed by the
20 governor shall be appointed to terms of four years
21 beginning ~~July~~ May 1. Legislative members shall be
22 appointed to terms of two years beginning January 1 of
23 odd-numbered years. However, members appointed under
24 subsections 3 and 4 shall cease to be members if they
25 no longer hold the office from which they were
26 appointed. Not more than seven of the members
27 appointed under subsection 3 shall belong to the same
28 political party at the time of appointment. A person

29 designated under subsection 2 is appointed for a term
 30 of four years beginning ~~July~~ May 1 and must be an
 31 assistant director, or head of a division, section, or
 32 bureau of that agency whose function relates to
 33 children, youth, or families while serving on the
 34 commission. Vacancies shall be filled in the same
 35 manner as the original appointment. Not more than
 36 nine of the voting members of the commission shall be
 37 of the same gender.”
 38 3. Renumber as necessary.

COMMITTEE ON JUDICIARY
 DONALD V. DOYLE, Chairperson

HOUSE AMENDMENT TO
 SENATE FILE 38

S-3096

1 Amend Senate File 38, as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. Page 3, by inserting after line 25, the
 4 following:
 5 “Sec. ____ . Section 294A.16, unnumbered paragraph 4,
 6 Code 1989, is amended by striking the paragraph and
 7 inserting in lieu thereof the following:
 8 A school district or area education agency, which
 9 receives money for a school year for an approved phase
 10 III plan, may retain up to fifty percent of the moneys
 11 allocated to the district or area education agency for
 12 the next succeeding school year, in order to continue
 13 the approved plan. Any of the retained phase III
 14 moneys remaining in the district or area education
 15 agency account after the second year of the plan shall
 16 revert to the general fund of the state as provided in
 17 section 8.33.
 18 Any moneys allocated or retained for an approved
 19 phase III plan, and any interest accrued on the
 20 moneys, shall not be commingled with state aid
 21 payments made, under sections 442.25 and 442.26, to a
 22 school district or area education agency and shall be
 23 accounted for by the school district or area education
 24 agency separately from state aid payment accounts.”

S-3097

1 Amend Senate File 194 as follows:

- 2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 123.3, subsections 7 and 8,
5 Code 1989, are amended to read as follows:
6 7. "Wine" means any beverage containing more than
7 five percent but not more than seventeen percent of
8 alcohol by weight obtained by the fermentation of the
9 natural sugar contents of fruits or other agricultural
10 products ~~but excluding and including~~ any product
11 containing alcohol derived from malt or by the
12 distillation process from grain, cereal, molasses or
13 cactus.
14 8. "Alcoholic liquor" or "intoxicating liquor"
15 means the varieties of liquor defined in subsections 5
16 and 6 which contain more than ~~five~~ seventeen percent
17 of alcohol by weight, beverages made as described in
18 subsection 10 which beverages contain more than ~~five~~
19 seventeen percent of alcohol by weight but which are
20 not wine as defined in subsection 7, and every other
21 liquid or solid, patented or not, containing spirits
22 and every beverage obtained by the process described
23 in subsection 7 containing more than seventeen percent
24 alcohol by weight, and susceptible of being consumed
25 by a human being, for beverage purposes. Alcohol
26 manufactured in this state for use as fuel pursuant to
27 an experimental distilled spirits plant permit or its
28 equivalent issued by the federal bureau of alcohol,
29 tobacco and firearms is not an "alcoholic liquor."
30 2. Title page, line 1, by inserting after the
31 word "Act" the following: "defining liquor and".
32 3. By renumbering as necessary.

JIM LIND

S-3098

- 1 Amend Senate File 79 as follows:

DIVISION S—3098A

- 2 1. Page 7, line 24, by inserting after the word
3 "more." the following: "The council shall make a
4 progress report regarding the development of standards
5 to the general assembly by January 1, 1990."

DIVISION S—3098

- 6 2. Page 12, by inserting after line 35, the
7 following:

8 “a. The recommendations of staff personnel of the
 9 department assigned to the area of certificate of
 10 need, concerning the application.”

COMMITTEE ON HUMAN RESOURCES
 BEVERLY HANNON, Chairperson

S-3099

1 Amend Senate File 14 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 “Section 1. Section 147.80, subsection 14, Code
 5 1989, is amended to read as follows:
 6 14. License to practice cosmetology issued upon
 7 the basis of an examination given by the board of
 8 cosmetology examiners, license to practice cosmetology
 9 under a reciprocal agreement, renewal of a license to
 10 practice cosmetology, temporary permit to practice as
 11 a cosmetology trainee, original license to conduct a
 12 school of cosmetology, renewal of license to conduct a
 13 school of cosmetology, original license to operate a
 14 beauty salon, renewal of a license to operate a beauty
 15 salon, original license and examination to practice
 16 electrolysis, renewal of a license to practice
 17 electrolysis, original license to practice manicuring,
 18 renewal of a license to practice manicuring, annual
 19 inspection of a school of cosmetology, annual
 20 inspection of a beauty salon, original cosmetology
 21 school instructor’s license, renewal of cosmetology
 22 school instructor’s license.”
 23 2. Page 1, by striking lines 3 through 5 and
 24 inserting the following:
 25 “NEW SUBSECTION. 7. Persons licensed as
 26 manicurists pursuant to this chapter, when manicuring
 27 the nails of any person.”
 28 3. Page 1, by striking lines 7 through 9 and
 29 inserting the following:
 30 “The board shall adopt rules providing for the
 31 issuance of a license to practice manicuring to
 32 persons who have successfully completed four hundred
 33 hours of training relating to manicuring, as
 34 prescribed by the board.
 35 The applicant shall pay a license fee as determined
 36 by the board under section 147.80.
 37 The rules of the board shall include a provision
 38 whereby a license to practice manicuring may be
 39 granted by reciprocity or endorsement to a person who
 40 is licensed in another state to practice manicuring.”

41 4. Page 1, by inserting after line 9 the
42 following:
43 "Sec. ____ . Section 158.14, Code 1989, is amended
44 to read as follows:
45 158.14 MANICURISTS.
46 A licensed barbershop may employ a ~~person who is~~
47 ~~not a licensed cosmetologist~~ manicurist to manicare
48 the fingernails of any person."
49 5. Title page, by striking lines 1 through 5 and
50 inserting the following: "An Act relating to

Page 2

1 manicuring, providing for the licensing of
2 manicurists, and providing properly related matters."
3 6. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES
BEVERLY HANNON, Chairperson

S-3100

1 Amend Senate File 213 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 422.45, Code 1989, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 41. The gross receipts from the
7 sale of motion picture films, video and audio tapes,
8 video and audio discs and records, or other media
9 which can be seen, heard, or read to a person
10 regularly engaged in the business of leasing, renting,
11 or selling this property if the ultimate leasing,
12 renting, or selling of the property is subject to tax
13 under this division.
14 The exemption provided in this subsection is
15 retroactive to July 1, 1984.
16 Sec. 2. This Act, being deemed of immediate
17 importance, is effective upon enactment."
18 2. Title page, line 3, by striking the words "or
19 renting" and inserting the following: ", renting, or
20 selling".

EUGENE FRAISE

S-3101

1 Amend Senate File 32 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 85.27, unnumbered paragraph 4,
5 Code 1989, is amended to read as follows:
6 For purposes of this section, the employer is
7 ~~obliged to shall~~ furnish reasonable services and
8 supplies to treat an injured employee, and ~~has the~~
9 ~~right to the employee may~~ choose the care. ~~The~~
10 ~~employee shall notify the employer in writing of the~~
11 ~~name of the employee's personal physician. The~~
12 ~~employee shall also notify the employer in writing of~~
13 ~~any change in personal physician. The treatment must~~
14 ~~be offered promptly and be reasonably suited to treat~~
15 ~~the injury without undue inconvenience to the~~
16 ~~employee. If the employee employer has reason to be~~
17 ~~dissatisfied with the care offered given, the employee~~
18 ~~should employer shall~~ communicate ~~in writing~~ the basis
19 of such ~~the~~ dissatisfaction to the employer, ~~in~~
20 ~~writing if requested employee~~, following which the
21 employer and the employee may agree to alternate care
22 reasonably suited to treat the injury. If the
23 employer and employee cannot agree on ~~such~~ alternate
24 care, the ~~industrial~~ commissioner may, upon
25 application and reasonable proofs of the necessity
26 ~~therefor for other care~~, allow and order other care.
27 ~~In an emergency, the employee shall be transported to~~
28 ~~the nearest medical facility if the employee is unable~~
29 ~~to choose the care at the time of the injury. If the~~
30 ~~employee is transported to a medical facility other~~
31 ~~than a facility chosen by the employee, the employee's~~
32 ~~physician of choice must be notified as soon as~~
33 ~~possible. In an emergency, the employee may choose~~
34 ~~the employee's care at the employer's expense,~~
35 ~~provided the employer or the employer's agent cannot~~
36 ~~be reached immediately.~~
37 ~~If the industrial commissioner disapproves a claim~~
38 ~~or a portion of a claim for benefits under this~~
39 ~~section because it did not meet the reasonable or~~
40 ~~necessary standards of this section, the employee~~
41 ~~shall reimburse the employer for the cost or the~~
42 ~~portion of the cost of the care which did not meet the~~
43 ~~reasonable or necessary standards."~~

AL STURGEON

S-3102

- 1 Amend amendment, S-3092, to Senate File 216 as
- 2 follows:
- 3 1. Page 1, line 7, by striking the words "issued
- 4 by" and inserting the following: "obtained from".

LARRY MURPHY

S-3103

- 1 Amend amendment, S-3092, to Senate File 216 as
- 2 follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "examiner," the following: "However, a permit is not
- 5 required if the deceased person was a member of an
- 6 established religion whose tenets are opposed to the
- 7 inspection or examination of the body of a deceased
- 8 person."

JULIA GENTLEMAN

S-3104

- 1 Amend Senate File 223 as follows:
- 2 1. Page 2, lines 12 and 13, by striking the words
- 3 "grades kindergarten through three, prekindergarten
- 4 programs, and".
- 5 2. Page 2, by striking line 18 and inserting the
- 6 following: "facilities.
- 7 NEW SUBSECTION. 15. By July 1, 1990, establish
- 8 recommendations for preferred and satisfactory
- 9 facility standards, maximum class sizes, and pupil-
- 10 teacher and teacher-aide ratios for grades
- 11 kindergarten through three and for prekindergarten
- 12 programs. The recommendations shall not be required
- 13 to be implemented by the local districts, but shall be
- 14 used by the department as evaluation criteria for the
- 15 evaluation of schools and school districts. However,
- 16 rules for preschool programs financed by the state for
- 17 at-risk".

JOHN P. KIBBIE
MAGGIE TINSMAN
DALE TIEDEN
LARRY MURPHY

S-3105

- 1 Amend the amendment, S-3091, to Senate File 201 as
- 2 follows:
- 3 1. Page 1, by striking lines 7 and 8 and insert-
- 4 ing the following: "authority over a minor to force,
- 5 persuade, or coerce a minor, with or".

TOM MANN, JR.
BEVERLY A. HANNON
ELAINE SZYMONIAK
CHARLES BRUNER
JIM LIND
MAGGIE TINSMAN
PAUL PATE
JULIA GENTLEMAN

S-3106

- 1 Amend Senate File 79 as follows:
- 2 1. Page 1, by inserting after line 33, the
- 3 following:
- 4 "— . "Birth center" means birth center as defined
- 5 in section 135G.2."
- 6 2. Page 3, by inserting after line 27, the
- 7 following:
- 8 "g. A birth center."
- 9 3. By renumbering and relettering as necessary.

JIM RIORDAN

S-3107

- 1 Amend Senate File 223 as follows:
- 2 1. Page 2, line 8, by striking the word "birth" and
- 3 inserting the following: "three".

DALE L. TIEDEN

S-3108

- 1 Amend House File 199, as passed by the House, as
- 2 follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. Section 509.3, Code 1989, is amended
- 6 by adding the following new subsection:

7 NEW SUBSECTION. 8. A provision shall be made
8 available to policyholders, under group policies
9 covering hospital, medical, or surgical expenses, for
10 payment of mammographic examinations, under terms and
11 conditions agreed upon between the insurer and the
12 policyholder, subject to utilization controls. This
13 subsection applies to group policies delivered or
14 issued for delivery on or after July 1, 1989, and to
15 existing group policies on their next anniversary or
16 renewal dates, or upon expiration of the applicable
17 collective bargaining contract, if any, whichever is
18 later. This subsection does not apply to blanket,
19 short-term travel, accident only, limited or specified
20 disease, or individual or group conversion policies,
21 or policies designed only for issuance to persons for
22 coverage under title XVIII of the federal Social
23 Security Act, or any other similar coverage under a
24 state or federal government plan.

25 Sec. 2. Section 514.7, Code 1989, is amended by
26 adding the following new unnumbered paragraph:

27 NEW UNNUMBERED PARAGRAPH. A provision shall be
28 available in approved contracts with hospital and
29 medical service corporate subscribers under group
30 subscriber contracts or plans covering medical and
31 surgical service, for payment of mammographic
32 examinations, under terms and conditions agreed upon
33 between the corporation and the subscriber group,
34 subject to utilization controls. This paragraph
35 applies to group subscriber contracts delivered on or
36 after July 1, 1989, and to group subscriber contracts
37 on their anniversary or renewal date, or upon the
38 expiration of the applicable collective bargaining
39 contract, if any, whichever is the later. This
40 paragraph does not apply to contracts designed only
41 for issuance to subscribers eligible for coverage
42 under title XVIII of the federal Social Security Act,
43 or any other similar coverage under a state or federal
44 government plan.

45 Sec. 3. Section 514B.1, subsection 2, Code 1989,
46 is amended by adding the following new unnumbered
47 paragraph:

48 NEW UNNUMBERED PARAGRAPH. The health care services
49 available to enrollees under prepaid group plans
50 covering hospital, medical, or surgical expenses, may

Page 2

1 include, at the option of the employer purchaser, a
2 provision for payment for mammographic examinations,
3 under terms and conditions agreed upon between the

4 purchaser and the health maintenance organization,
 5 subject to utilization controls. This paragraph
 6 applies to services provided under plans implemented
 7 on or after July 1, 1989, and to existing group plans
 8 on their next anniversary or renewal date, or upon the
 9 expiration of the applicable collective bargaining
 10 contract, if any, whichever is later. This paragraph
 11 does not apply to enrollees eligible for coverage
 12 under title XVIII of the federal Social Security Act
 13 or any other similar coverage under a state or federal
 14 government plan.”

JULIA GENTLEMAN

S-3109

1 Amend House File 88 as passed by the House as
 2 follows:

- 3 1. Page 1, by striking line 4 and inserting the
 4 following:
 5 “for nonresidents, minimum fee \$75.00”.
- 6 2. Page 1, line 6, by inserting after the word
 7 “nonresidents” the following: “, minimum fee”.
- 8 3. Page 1, line 12, by striking the words “and
 9 regulate” and inserting the following: “to five
 10 hundred licenses”.
- 11 4. Page 1, line 13, by inserting after the word
 12 “licenses” the following: “for the year 1989”.
- 13 5. Page 1, line 14, by inserting after the word
 14 “procedures.” the following: “For subsequent years,
 15 the number of nonresident wild turkey hunting licenses
 16 shall be determined as provided in section 109.38.
 17 The commission shall allocate the nonresident wild
 18 turkey hunting licenses issued among the zones based
 19 on the populations of wild turkey, but nonresident
 20 wild turkey hunting licenses shall not be issued for a
 21 zone that has an estimated wild turkey population of
 22 less than one hundred ten percent of the minimum
 23 population required for a biological balance to exist.
 24 The hunting zones for wild turkey shall be the same as
 25 for deer.”
- 26 6. Page 1, line 19, by striking the words “and
 27 regulate” and inserting the following: “to one
 28 thousand licenses”.
- 29 7. Page 1, line 20, by inserting after the word
 30 “licenses” the following: “for the year 1989”.
- 31 8. Page 1, line 21, by inserting after the word
 32 “procedures.” the following: “For subsequent years,
 33 the number of nonresident deer hunting licenses shall

34 be determined as provided in section 109.38. The
35 commission shall allocate the nonresident deer hunting
36 licenses issued among the zones based on the
37 populations of deer, but nonresident deer hunting
38 licenses shall not be issued for a zone that has an
39 estimated deer population of less than one hundred ten
40 percent of the minimum population required for a
41 biological balance to exist."

42 9. Page 1, by inserting after line 21 the
43 following:

44 "Sec. ____ . NEW SECTION. 110.25 USE OF
45 NONRESIDENT DEER AND WILD TURKEY HUNTING LICENSE
46 FEES.

46 The revenue received from the nonresident deer and
47 wild turkey hunting license fees shall be used to
48 employ and maintain additional full-time conservation
49 officers. During the first fiscal year that
50 nonresident deer and wild turkey licenses are sold,

Page 2

1 the department shall employ the number of new full-
2 time conservation officers which can be employed from
3 the revenue received. For each subsequent fiscal year
4 if revenues are sufficient, the department shall
5 employ an additional new full-time conservation
6 officer until there is at least one full-time
7 conservation officer assigned to each county. Any
8 moneys remaining after the employment of the
9 additional full-time conservation officers shall be
10 used to pay overtime to the full-time conservation
11 officers.

12 Sec. ____ . NEW SECTION. 109.40 RECIPROCITY FOR
13 DEER AND WILD TURKEY HUNTING FEES.

14 A nonresident may purchase a nonresident deer or
15 wild turkey hunting license to hunt in this state for
16 the same fee as a resident of this state may purchase
17 a nonresident deer or wild turkey hunting license to
18 hunt in the state where the nonresident resides.
19 However, the nonresident deer hunting and wild turkey
20 hunting fees shall not be less than the fees specified
21 in section 110.1, subsection 2, paragraphs "e" and
22 "f". The minimum nonresident wild turkey hunting and
23 deer hunting fees apply to nonresidents of states
24 which do not offer nonresident wild turkey hunting or
25 nonresident deer hunting licenses to residents of this
26 state."

S-3110

- 1 Amend Senate File 205 as follows:
- 2 1. Page 3, line 23, by striking the words "or
- 3 continuing education".

COMMITTEE ON STATE GOVERNMENT
BOB M. CARR, Chairperson

S-3111

- 1 Amend Senate File 226 as follows:
- 2 1. Page 1, by striking lines 23 through 27, and
- 3 inserting the following:
- 4 "b. A mammogram every two years for any woman who
- 5 is forty years of age or older, or more frequently if
- 6 recommended by the woman's physician."

MAGGIE TINSMAN

S-3112

- 1 Amend Senate File 111 as follows:
- 2 1. Page 3, by inserting after line 32 the fol-
- 3 lowing:
- 4 "Sec. ____ . This Act is retroactive to January 1,
- 5 1988, and applies to any final and conclusive foreign
- 6 judgment obtained on or after that date."
- 7 2. By renumbering as necessary.

JOHN W. JENSEN

S-3113

- 1 Amend amendment, S-3074, to Senate File 52 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 4 and
- 4 inserting the following:
- 5 "____ . Page 1, by striking line 2 and inserting
- 6 the following:
- 7 "1. An employee of an accredited public school
- 8 district, accredited."
- 9 2. Page 1, by striking lines 8 through 14 and
- 10 inserting the following:
- 11 "____ . Page 1, by striking lines 6 through 10, and
- 12 inserting the following: "intentional physical
- 13 punishment of a student. The following do not

14 constitute intentional physical punishment or physical
15 abuse, nor is a school or area education agency
16 employee prohibited from doing the following:

17 a. Using reasonable force to quell a disturbance
18 or prevent an act that threatens physical harm to any
19 person.

20 b. Using reasonable force to obtain possession of
21 a weapon or other dangerous object within a student's
22 control.

23 c. Using reasonable force for the purposes of
24 self-defense or defense of others as provided under
25 section 704.3.

26 d. Using reasonable force for the protection of
27 property as provided under section 704.4.

28 e. Using reasonable force to remove a disruptive
29 student from school premises or from school-sponsored
30 activities off school premises.

31 f. Using reasonable force to protect a student
32 from self-inflicted harm.

33 g. Using reasonable force to protect the safety of
34 others.

35 h. Using incidental, minor, or reasonable physical
36 contact to maintain order and control.

37 2. In determining whether the force used is
38 reasonable, the following factors shall be considered:

39 a. The nature of the student's conduct which led
40 to physical contact with a school employee.

41 b. The size and physical condition of the student.

42 c. Any weapon or dangerous object used in the
43 physical contact.

44 d. The motivation of the employee at the time the
45 physical contact took place.

46 e. Any other relevant facts and circumstances
47 surrounding the incident."''

48 3. By renumbering as necessary.

WALLY HORN
DALE L. TIEDEN

S-3114

1 Amend House File 199 as passed by the House as
2 follows:

3 1. Page 1, by striking lines 23 through 27, and
4 inserting the following:

5 "b. A mammogram every two years for any woman who

6 is forty years of age or older, or more frequently if
7 recommended by the woman's physician."

MAGGIE TINSMAN

S-3115

1 Amend amendment, S-3108, to House File 199 as
2 follows:
3 1. Page 1, line 14, by inserting after the word
4 "delivery" the following: "in this state".
5 2. Page 1, line 35, by inserting after the word
6 "delivered" the following: "in this state".
7 3. Page 1, line 36, by inserting after the word
8 "to" the following: "existing".
9 4. Page 2, line 6, by inserting after the word
10 "implemented" the following: "in this state".

JULIA GENTLEMAN

S-3116

1 Amend Senate Joint Resolution 5 as follows:
2 1. Title page, line 4, by striking the word
3 "ENACTED" and inserting the following: "RESOLVED".

LARRY MURPHY

S-3117

1 Amend Senate File 209 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 108.1, Code 1989, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 4. "Century farm" means a farm
7 homestead and agricultural land which has been owned
8 by a family for one hundred years or more."
9 2. Page 1, line 2, by striking the word
10 "paragraph" and inserting the following:
11 "paragraphs".
12 3. Page 1, by inserting after line 9 the
13 following:
14 NEW UNNUMBERED PARAGRAPH. A new artificial lake
15 or water impoundment shall not be created on a century
16 farm which was acquired by eminent domain procedures."

JOHN E. SOORHOLTZ

S-3118

- 1 Amend Senate File 157 as follows:
- 2 1. Page 1, line 22, by inserting after the word
- 3 "guardian," the following: "member of the license
- 4 holder's immediate family if the family member is at
- 5 least twenty-one years of age."

COMMITTEE ON TRANSPORTATION
C. JOSEPH COLEMAN, Chairperson

S-3119

- 1 Amend Senate File 224 as follows:
- 2 1. Page 1, by striking lines 5 through 12 and
- 3 inserting the following: ", including the right of
- 4 expression in official school publications."
- 5 2. Page 1, by striking lines 18 through 20 and
- 6 inserting the following:
- 7 "c. Materials which encourage students to do any
- 8 of the following:
- 9 (1) Commit unlawful acts."
- 10 3. Page 1, line 21, by striking the words "The
- 11 violation of" and inserting the following: "Violate".
- 12 4. Page 1, line 22, by striking the word "The"
- 13 and inserting the following: "Cause the".
- 14 5. Page 1, by striking lines 26 through 29 and
- 15 inserting the following: "violates this section."

RICHARD VARN

S-3120

- 1 Amend Senate File 108 as follows:
- 2 1. Page 1, by striking lines 1 through 6 and
- 3 inserting the following:
- 4 "Section 1. Section 99E.32, subsection 1,
- 5 paragraph a, Code 1989, is amended to read as follows:
- 6 a. In the fiscal year beginning July 1, 1986 the
- 7 first three million four hundred thirty-eight thousand
- 8 dollars, in the fiscal year beginning July 1, 1987 the
- 9 first six million six hundred seventy-five thousand
- 10 dollars, in the fiscal year beginning July 1, 1988 the
- 11 first four million six hundred twenty-five thousand
- 12 dollars and in the fiscal year beginning July 1, 1989

13 the first ~~three~~ four million seven hundred fifty
 14 ~~thousand~~ dollars to the jobs now capitals account.
 15 Sec. 2. Section 99E.32, subsection 5, Code 1989,
 16 is amended by adding the following new paragraph:
 17 NEW PARAGRAPH. p. There is appropriated from the
 18 allotment to the jobs now capitals account under
 19 section 1 for the fiscal year beginning July 1, 1989,
 20 to the Iowa department of natural resources the sum of
 21 two hundred fifty thousand dollars, or so much thereof
 22 as is necessary, to restore and repair the dam on the
 23 Cedar river within the city of Nashua, Iowa."

COMMITTEE ON APPROPRIATIONS
 JOE WELSH, Chairperson

S-3121

1 Amend Senate Concurrent Resolution 7 as follows:
 2 1. Page 2, by inserting after line 4 the
 3 following:
 4 "WHEREAS, the federal government has already
 5 coerced the states into accepting the twenty-one year
 6 old minimum drinking age and federally mandated
 7 maximum speed limits through threats of reducing
 8 federal highway funds; and
 9 WHEREAS, the people of Iowa overwhelmingly
 10 disapprove of this type of blackmail from the members
 11 of Congress; and".

JIM LIND
 C. JOSEPH COLEMAN
 RICHARD F. DRAKE
 JOE J. WELSH
 TOM MANN
 JEAN LLOYD-JONES

S-3122

1 Amend Senate File 79 as follows:
 2 1. Page 8, by striking lines 2 through 28.

JULIA GENTLEMAN

S-3123

1 Amend Senate File 187 as follows:
 2 1. Page 1, by striking lines 1 through 15 and

3 inserting the following:

4 "Section 1. NEW SECTION. 433A.1 ANNUAL REPORT.

5 Every individual, copartnership, corporation, or
6 association operating for profit a cable television
7 company shall, annually on or before the first day of
8 May of each calendar year, make a report on blanks to
9 be provided by the department of revenue and finance
10 of all of the property owned by the cable television
11 company in the state, and provide other information as
12 the director of revenue and finance shall require.

13 Sec. 2. NEW SECTION. 433A.2 FAILURE TO MAKE
14 STATEMENT.

15 In case of failure or refusal of a company to make
16 out or deliver to the director of revenue and finance
17 the statements required in section 433A.1, the company
18 shall forfeit and pay to the state one hundred dollars
19 for each day the report is delayed beyond the first
20 day of May, to be sued and recovered in any proper
21 form of action in the name of the state, and on the
22 relation of the director of revenue and finance, and
23 the penalty, when collected, shall be paid into the
24 general fund of the state.

25 Sec. 3. NEW SECTION. 433A.3 ASSESSMENT.

26 The director of revenue and finance shall on the
27 second Monday in July of each year, proceed to find
28 the actual value of the property of the cable
29 television companies in this state, taking into
30 consideration the information obtained from the
31 statements required in section 433A.1, and any further
32 information the director can obtain, using the same as
33 a means for determining the actual cash value of the
34 property of the companies within this state; also
35 taking into consideration the valuation of all
36 property of the companies, including franchises and
37 the use of the property in connection with lines
38 outside the state, and making deductions as may be
39 necessary on account of extra value of property
40 outside the state as compared with the value of
41 property in the state, in order that the actual cash
42 value of the property of the company within this state
43 may be ascertained. This assessment shall include all
44 property of every kind and character, real, personal,
45 or mixed, used by the companies in the transaction of
46 cable television business; and the property included
47 in the assessment shall not be taxed in any other
48 manner than as provided in this chapter.

49 Sec. 4. NEW SECTION. 433A.4 ACTUAL VALUE PER
50 MILE.

Page 2

1 The director of revenue and finance shall ascertain
2 the value per mile of the property of each of the
3 cable television companies within this state by
4 dividing the total value, as determined in section
5 433A.3, by the number of miles of line of the company
6 within the state, and the result is the actual value
7 per mile of line of the property of the company within
8 this state.

9 Sec. 5. NEW SECTION. 433A.5 ASSESSMENT IN EACH
10 COUNTY -- CERTIFICATION.

11 The director of revenue and finance shall, for the
12 purpose of determining what amount shall be assessed
13 to any one of the cable television companies in each
14 county of the state into which the line of that
15 company extends, multiply the assessed or taxable
16 value per mile of line of the company by the number of
17 miles in each of the counties, and the result shall be
18 certified by the director to the several county
19 auditors of the respective counties into, over, or
20 through which the line extends.

21 Sec. 6. NEW SECTION. 433A.6 ENTRY OF
22 CERTIFICATE.

23 At the first meeting of the board of supervisors
24 held after the certification statement is received by
25 the county auditor, it shall cause the statement to be
26 entered in its minute book, and make and enter in the
27 minute book an order stating the length of the lines
28 and the assessed value of the property of each of the
29 cable television companies situated in each city,
30 township, or lesser taxing district in its county, as
31 fixed by the director of revenue and finance, which
32 shall constitute the taxable value of the property for
33 taxing purposes. The taxes on the property when
34 collected by the county treasurer shall be disposed of
35 as other taxes on real estate. The county auditor
36 shall transmit a copy of the order to the council or
37 trustees of each city or township in which the lines
38 of the company extend.

39 Sec. 7. NEW SECTION. 433A.7 COUNTY AUDITOR
40 CERTIFICATION.

41 On or before the first day of August, each cable
42 television company owning or operating cable
43 television lines within the state of Iowa shall file
44 with the county auditors of the counties within which
45 its lines are located, a statement of all its lines
46 within the county.

47 Sec. 8. NEW SECTION. 433A.8 RATE OF TAXATION --
48 COLLECTION.

49 All cable television property shall be taxable upon
50 the assessment at the same rates, by the same

Page 3

1 officers, and for the same purposes as the property of
2 individuals within the counties, cities, townships, or
3 lesser taxing districts, and the county treasurer
4 shall collect the taxes at the same time and in the
5 same manner as other taxes, and the same penalties for
6 the nonpayment shall be due and collectible as for the
7 nonpayment of individual taxes.

8 Sec. 9. NEW SECTION. 433A.9 OTHER REAL AND
9 PERSONAL PROPERTY.

10 Land, lots, and other real estate and personal
11 property belonging to a cable television company not
12 used exclusively in its cable television business
13 shall be subject to assessment and taxation on the
14 same basis as other property of individuals in the
15 several counties where situated.

16 Sec. 10. Section 441.21, subsection 3, unnumbered
17 paragraph 2, Code 1989, is amended to read as follows:

18 The burden of proof ~~shall be~~ is upon ~~any the~~
19 complainant attacking ~~such the~~ valuation as excessive,
20 inadequate, inequitable or capricious; ~~however,~~
21 However, in protest or appeal proceedings when the
22 complainant offers competent evidence by at least two
23 disinterested witnesses that the market value of the
24 property is less than the market value determined by
25 the assessor, or in the case of property value
26 pursuant to chapters 428, 433, 433A, 434, 436, 437,
27 and 438, that the actual value of the property is less
28 than the actual value determined by the department of
29 revenue and finance, the burden of proof thereafter
30 ~~shall be~~ is upon the officials or persons seeking to
31 uphold ~~such the~~ valuation to be assessed.

32 Sec. 11. Section 331.401, subsection 1, paragraph
33 k, Code 1989, is amended to read as follows:

34 k. Levy taxes as certified to it by tax-certifying
35 bodies in the county, in accordance with the statutes
36 authorizing the levies and in accordance with chapter
37 24 and sections 444.1 to 444.8, and levy taxes as
38 required in chapters 430A, 433, 433A, 434, 436, 437,
39 and 438.

40 Sec. 12. Section 427A.1, subsection 1, paragraph
41 h, Code 1989, is amended to read as follows:

42 h. Property assessed by the department of revenue
43 and finance pursuant to sections 428.24 to 428.29, or
44 chapters 433, 433A, 434, and 436 to 438.

45 Sec. 13. Section 427B.17, subsection 1, Code 1989,

46 is amended to read as follows:

47 1. Property assessed by the department of revenue
48 and finance pursuant to sections 428.24 to 428.29, or
49 chapters 433, 433A, 434, and 436 to 438 shall not
50 receive the benefits of this section.

Page 4

1 Sec. 14. Section 429.1, Code 1989, is amended to
2 read as follows:

3 429.1 NOTICE OF ASSESSMENT.

4 The director of revenue and finance shall, at the
5 time of making the assessment of property as provided
6 in chapters 428, 433, 433A, 434, 436, 437, and 438,
7 inform the person assessed, by mail, of the valuation
8 put upon the taxpayer's property. The notice shall
9 contain a notice of the taxpayer's right of appeal to
10 the state board of tax review as provided in section
11 429.2.

12 Sec. 15. Section 429.3, Code 1989, is amended by
13 adding the following new unnumbered paragraph:

14 NEW UNNUMBERED PARAGRAPH. The director of revenue
15 and finance may appeal to the district court a
16 decision of the state board of tax review relating to
17 property assessed by the department of revenue and
18 finance pursuant to chapters 428, 433, 433A, 434, 436,
19 437, and 438. An appeal shall be commenced in the
20 district court in the county where the main office of
21 the taxpayer is located or in Polk county if the
22 taxpayer does not have a main office in this state."

LINN FUHRMAN
WILLIAM D. PALMER

S-3124

1 Amend the amendment, S-3110, to Senate File 205, as
2 follows:

3 1. Page 1, by inserting before line 2 the follow-
4 ing:

5 "____. Page 3, by inserting after line 7 the fol-
6 lowing:

7 "Persons who are exempted from certification
8 requirements under section 135F.14, subsection 4,
9 shall comply with the continuing education
10 requirements of this section. The department shall
11 adopt rules for the administration of this

12 requirement.”

13 2. By numbering and renumbering as necessary.

BEVERLY A. HANNON

S-3125

1 Amend House File 123, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 8 and 9, and
4 inserting the following: “less than ~~two dollars and~~
5 ~~fifty cents nor more than~~ three dollars and fifty
6 cents per hour, while”.

COMMITTEE ON LOCAL GOVERNMENT
ALVIN V. MILLER, Chairperson

S-3126

1 Amend Senate File 79 as follows:

DIVISION S—3126A

2 1. Page 7, by striking lines 19 through 33.

DIVISION S—3126B

3 2. Page 8, by striking lines 2 through 28.

JAMES R. RIORDAN
WILLIAM W. DIELEMAN
JULIA GENTLEMAN
JOY CORNING
MAGGIE TINSMAN
WALLY E. HORN

S-3127

1 Amend Senate File 272 as follows:

2 1. Page 2, lines 33 and 34, by striking the words
3 “within two years”.

4 2. Page 3, by striking lines 15 through 17.

5 3. Page 3, line 18, by inserting after the word
6 “union” the following: “or association”.

7 4. By renumbering as necessary.

PAUL PATE

S-3128

- 1 Amend Senate File 157 as follows:
 2 1. Page 1, by inserting after line 28 the
 3 following:
 4 "Sec. ____ . The education requirements for the
 5 issuance of school licenses provided in section 2 of
 6 this Act apply to school licenses issued on or after
 7 the effective date of this Act."

DONALD GETTINGS

S-3129

- 1 Amend Senate File 79 as follows:
 2 1. Page 16, by inserting after line 17 the fol-
 3 lowing:
 4 "Sec. ____ . Section 135.72, Code 1989, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 5. Criteria for the advertisement
 7 of services provided by an institutional health
 8 facility or through a health maintenance organization
 9 subject to the certificate of need requirement of this
 10 division."

JOE WELSH

S-3130

- 1 Amend House File 141, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking page 1, line 34 through page 2,
 4 line 1, and inserting the following: "~~proposals for~~
 5 ~~acquisition or exchange acquisitions or exchanges of~~
 6 ~~land; and all general development plans before any~~
 7 ~~such program is executed~~ within one year. Approval of
 8 the".

COMMITTEE ON NATURAL RESOURCES
KENNETH SCOTT, Chairperson

S-3131

- 1 Amend Senate File 282 as follows:
 2 1. Page 1, line 4, by striking the word
 3 "manufacturing" and inserting the following:
 4 "~~manufacturing products and services~~".

- 5 2. Page 1, by striking lines 23 and 24 and
6 inserting the following: "manufactured article or
7 agricultural product ~~except as provided in this~~
8 ~~lettered paragraph~~ without the approval of the
9 department."
- 10 3. Page 1, by striking lines 31 and 32 and
11 inserting the following: "Act, the department may
12 suspend permission to use the label or trademark prior
13 to an evidentiary hearing which shall be held within a
14 reasonable period of time following the denial."

BEVERLY HANNON

S-3132

- 1 Amend Senate File 189 as follows:
2 1. Page 14, by inserting after line 23 the
3 following:
4 "Sec. ____ . This Act, being deemed of immediate
5 importance, takes effect upon enactment."
6 2. Title page, line 4, by inserting after the
7 word "implementation" the following: ", and providing
8 an effective date".
9 3. By renumbering as necessary.

COMMITTEE ON ENVIRONMENTAL
PROTECTION & ENERGY UTILITIES
PATRICK DELUHERY, Chairperson

S-3133

- 1 Amend Senate File 214 as follows:
2 1. Page 1, line 7, by inserting after the word
3 "includes" the following: "that portion of".
4 2. Page 1, line 9, by inserting after the word
5 "appurtenances" the following: "so designated".
6 3. Page 1, line 32, by inserting after the word
7 "with" the following: "a local board of health or
8 multiple".
9 4. Page 1, line 33, by inserting after the word
10 "health" the following: "representing contiguous
11 areas".
12 5. Page 2, line 1, by striking the words "or spa"
13 and inserting the following: ", spa, or bathing
14 beach".
15 6. Page 2, by striking lines 6 and 7, any
16 inserting the following: "regulating the operation of
17 swimming pools, spas, and bathing beaches. The

18 department shall conduct”.

19 7. Page 2, by striking lines 20 through 24 and

20 inserting the following:

21 “4. Collect fees as established pursuant to the
22 following schedule:

23 a. A fee of three hundred fifty dollars for the
24 inspection, regulation, and registration of a class
25 “A” pool. As used in this paragraph, “class “A” pool”
26 means a pool which is larger than fifteen hundred
27 square feet.

28 b. A fee of two hundred fifty dollars for the
29 inspection, regulation, and registration of a class
30 “B” pool. As used in this paragraph “class “B” pool”
31 means a pool which is fifteen hundred square feet or
32 smaller.

33 c. A fee of one hundred dollars for the
34 inspection, regulation, and registration of a special
35 category of areas including but not limited to wading
36 pools and spas which are inspected, regulated, and
37 registered pursuant to this chapter.

38 d. Notwithstanding the fee under paragraph “c”, a
39 fee of seventy-five dollars for the inspection,
40 regulation, and registration of a specialty category
41 area including but not limited to wading pools and
42 spas, if a class “A” or class “B” pool is located in
43 the same facility and is being inspected
44 simultaneously.

45 e. A fee of two hundred fifty dollars for the
46 inspection, regulation, and registration of a bathing
47 beach.

48 Notwithstanding the fee schedule established in
49 this subsection, if a local board of health or
50 multiple boards of health in a contiguous area enter

Page 2

1 into an agreement pursuant to chapter 28E to provide
2 for inspection and enforcement in accordance with this
3 chapter, the local board or boards may establish a fee
4 schedule and collect fees in accordance with the
5 schedule. However, the fees established shall not
6 exceed those established in paragraphs “a” through
7 “e.”

8 8. Page 2, line 27, by inserting after the word
9 “fees” the following: “in accordance with the
10 schedule prescribed in subsection 4”.

11 9. By striking page 2, line 31 through page 3,
12 line 4 and inserting the following:

13 “6. Enter into agreements with a local board of
14 health or local boards of health in a contiguous area

15 to implement the inspection and enforcement provisions
16 of this chapter. The agreements shall provide that
17 the fees established by the local board or boards of
18 health for inspection and enforcement shall be
19 retained by the local board or boards. A local board
20 of health or boards of health in a contiguous area may
21 enter into such an agreement with the department.
22 However, inspection fees shall not be charged by".
23 10. Page 3, line 15, by inserting after the word
24 "board" the following: "or boards".
25 11. Page 3, line 19, by inserting after the word
26 "board" the following: "or boards".
27 12. Page 3, by striking line 23 and inserting the
28 following: "board or boards of health, the department
29 or the local board or boards of health".
30 13. Page 3, line 29, by inserting after the word
31 "board" the following: "or boards".

COMMITTEE ON WAYS AND MEANS
WILLIAM W. DIELEMAN, Chairperson

S-3134

1 Amend Senate File 220 as follows:
2 1. Page 1, by striking lines 5 through 7 and
3 inserting the following: "1 shall escheat to the
4 state and to the extent appropriated by the general
5 assembly shall be used by the department of
6 agriculture and land stewardship to administer section
7 99D.22 and the remainder shall be paid over to the
8 commission to pay the cost of drug testing at the
9 tracks. To the extent the remainder paid over to the
10 commission, less the cost of drug testing, is from
11 unclaimed winnings from harness racing meets, the
12 remainder shall be used as provided in subsection 3.
13 To the extent the remainder paid over to the
14 commission, less the cost of drug testing, is from
15 unclaimed winnings from tracks licensed for dog races,
16 the commission, at least quarterly, shall remit one-
17 third of the".
18 2. Page 1, by inserting after line 16 the
19 following:
20 "Sec. ____ . Section 99D.13, Code 1989, is amended
21 by adding the following new subsection:
22 NEW SUBSECTION. 3. One hundred twenty thousand
23 dollars of winnings from wagers placed at harness
24 racing meets forfeited under subsection 1 in a
25 calendar year that escheat to the state and are paid
26 over to the commission are appropriated to the racing

27 commission for the fiscal year beginning in that
28 calendar year to be used as follows:

29 a. Eighty percent of the amount appropriated shall
30 be allocated to the harness racing tracks in existence
31 on July 1, 1989, to be used by the tracks to
32 supplement the purses for those harness races in which
33 only Iowa-bred or owned horses may run. However,
34 beginning with the allocation of the appropriation
35 made for the fiscal year beginning July 1, 1992, the
36 races for which the purses are to be supplemented
37 under this paragraph shall be those in which only
38 Iowa-bred two-year and three-year olds may run.

39 b. Twenty percent of the amount appropriated shall
40 be allocated to the harness racing tracks in existence
41 on July 1, 1989, to be used by the tracks for
42 maintenance of and improvements to the tracks.

43 Notwithstanding section 8.33, unencumbered or un-
44 obligated funds remaining on June 30 of the fiscal
45 year for which the funds were appropriated shall not
46 revert but shall be available for expenditure for the
47 following fiscal year for the purposes of this
48 subsection."

49 3. Page 3, by inserting after line 14 the fol-
50 lowing:

Page 2

1 "Sec. 100. Section 99D.16, Code 1989, is re-
2 pealed."

3 4. Page 3, lines 16 and 17, by striking the words
4 "the effective date of this Act" and inserting the
5 following: "January 1, 1989".

6 5. Page 3, by inserting after line 21 the
7 following:

8 "Sec. ____ . Section 100 of this Act applies
9 retroactively to January 1, 1989, for tax years
10 beginning on or after that date."

COMMITTEE ON WAYS AND MEANS
WILLIAM W. DIELEMAN, Chairperson

S-3135

1 Amend Senate File 124 as follows:

2 1. Page 6, by inserting after line 34 the fol-
3 lowing:

4 "____. Before a license is granted, an operator of
5 an excursion gambling boat shall agree to provide
6 physical facilities on the boat to be used for tourism

7 promotion. The location and size of the facilities
8 shall be established by rule of the department of
9 economic development based on the passenger capacity
10 of the boat. The tourism bureau of the department of
11 economic development shall provide the staff for the
12 tourism facility. Tourism informational materials
13 relating to the state and regional recreational,
14 cultural, and historical interests shall be supplied
15 by the tourism bureau. Tourism information from local
16 civic and private persons may be submitted for
17 dissemination by the excursion tourism center on the
18 boat. The expenditures of the tourism bureau for
19 staff and informational materials shall be paid from
20 revenue derived from the adjusted gross receipt tax on
21 wagering.”

22 2. By renumbering subsections.

BEVERLY A. HANNON
THOMAS MANN, JR.
JOHN KIBBIE
KEN SCOTT
WILLIAM W. DIELEMAN
JOY CORNING
RICHARD VANDEHOEF
ELAINE SZYMONIAK
JACK W. HESTER
JOHN JENSEN
JULIA GENTLEMAN
DON GETTINGS
MARK R. HAGERLA

S-3136

- 1 Amend the amendment, S-3059, to Senate File 124 as
- 2 follows:
- 3 1. Page 1, line 31, by striking the word “four” and
- 4 inserting the following: “two”.

EUGENE FRAISE

S-3137

- 1 Amend Senate File 124 as follows:
- 2 1. Page 3, line 2, by inserting after the word
- 3 “chapter.” the following: “A license issued pursuant
- 4 to the chapter authorizing the conduct of gambling
- 5 games on an excursion gambling boat shall not become
- 6 effective before April 1, 1991.”

GEORGE KINLEY

S-3138

- 1 Amend Senate File 124 as follows:
- 2 1. Page 6, line 32, by inserting after the letter
- 3 "b" the following: "A qualified sponsoring
- 4 organization shall not make a contribution to a
- 5 candidate, political committee, candidate's committee,
- 6 state statutory political committee, county statutory
- 7 political committee, national political party, or
- 8 fund-raising event as these terms are defined in
- 9 section 56.2."

JIM LIND

S-3139

- 1 Amend Senate File 124 as follows:
- 2 1. Page 1, by striking lines 19 through 22 and
- 3 inserting the following: "video game of chance or
- 4 roulette wheel."

JOE WELSH

S-3140

- 1 Amend Senate File 124 as follows:
- 2 1. Page 3, line 5, by inserting after the word
- 3 "chapter." the following: "However, a gambling game
- 4 authorized under chapter 99E shall be conducted on an
- 5 excursion gambling boat only if licensed by the
- 6 lottery board."

CALVIN O. HULTMAN

S-3141

- 1 Amend the amendment, S-3059, to Senate File 124 as
- 2 follows:

DIVISION S—3141A

- 3 1. Page 1, by striking lines 19 through 22 and
- 4 inserting the following: "proposition shall be
- 5 submitted at a general election or at a special
- 6 election called for that purpose. To be submitted at
- 7 a general election, the petition must be received by

8 the board of supervisors at least sixty days before
9 the election. If a majority of”.

DIVISION S—3141B

10 2. Page 1, by inserting after line 36 the
11 following:
12 “c. However, if a referendum disapproves gambling
13 games on an excursion gambling boat, another
14 referendum requested by petition may be held after two
15 years from the date of the referendum.”

BOB CARR

S-3142

1 Amend Senate File 124 as follows:
2 1. By striking page 8, line 34 through page 9,
3 line 3.
4 2. By renumbering as required.

WALLY HORN

S-3143

1 Amend Senate File 124 as follows:
2 1. Page 8, by inserting after line 3 the
3 following:
4 “ ___ . The commission shall require, as a condition
5 of granting a license, that an applicant to operate an
6 excursion gambling boat, develop, and as nearly as
7 practicable, recreate boats that resemble Iowa’s
8 riverboat history.
9 ___ . The commission shall require that an
10 applicant utilize Iowa resources, goods and services
11 in the operation of an excursion gambling boat. The
12 commission shall develop standards to assure that a
13 substantial amount of all resources and goods used in
14 the operation of an excursion gambling boat come from
15 Iowa and that a substantial amount of all services and
16 entertainment be provided by Iowans.
17 ___ . The commission shall, as a condition of
18 granting a license, require an applicant to provide
19 written documentation that, on each excursion gambling
20 boat:
21 a. No more than 30% of the square footage shall be
22 used for gambling activity.
23 b. At least 90% of the total staff and

24 entertainers are Iowa residents.
 25 c. a section is reserved for the promotion and
 26 sale of Iowa agricultural, business and educational
 27 goods and services.
 28 d. a section is reserved solely for activities and
 29 interests of children under the age of 18 and is
 30 staffed to provide adequate supervision.
 31 e. a section is reserved for promotion and sale of
 32 arts, crafts, and gifts native to and made in Iowa.
 33 ____ . It is the intent of the general assembly that
 34 employees be paid at least 25% above the federal
 35 minimum wage level.”

JOE WELSH

S-3144

1 Amend Senate File 124 as follows:
 2 1. Page 7, line 21, by striking the words “and
 3 the off season”.
 4 2. Page 7, line 24, by striking the words “season
 5 if” and inserting the following: “season.”
 6 3. Page 7, by striking lines 25 and 26.
 7 4. Page 10, line 26, by inserting after the word
 8 “cruise,” the following: “or”.
 9 5. Page 10, lines 29 and 30, by striking the
 10 words “, or as authorized by the commission during off
 11 season”.

JULIA B. GENTLEMAN

S-3145

1 Amend Senate File 124 as follows:
 2 1. Page 9, by inserting after line 16, the
 3 following:
 4 “____ . If a licensed excursion boat stops at more
 5 than one harbor and travels past a county without
 6 stopping at any port in that county, the commission
 7 shall require the excursion boat operator to develop a
 8 schedule for ports of call in which a county
 9 referendum has been approved, and the port of call has
 10 the necessary facilities to handle the boat. The
 11 commission may limit the schedule to only one port of
 12 call per county.”

JOE WELSH
 RICHARD F. DRAKE

S-3146

- 1 Amend Senate File 124 as follows:
2 1. Page 6, by inserting after line 34 the fol-
3 lowing:
4 "____. Before a license is granted, an operator of
5 an excursion gambling boat shall work with the
6 department of economic development to promote tourism
7 throughout Iowa. Tourism information from local civic
8 and private persons may be submitted for
9 dissemination."
10 2. By renumbering subsections.

BEVERLY A. HANNON
LEONARD BOSWELL
EUGENE FRAISE
JACK RIFE

S-3147

- 1 Amend Senate File 214 as follows:
2 1. Page 1, lines 29 and 30, by striking the
3 words: "This chapter does not apply to facilities
4 intended for single family use."
5 2. Page 1, line 34, by inserting after the word
6 "chapter." the following: "This chapter does not
7 apply to facilities intended for single family use
8 with the exception of the installation of safety
9 fences as required pursuant to section 135J.4."
10 3. Page 2, line 17, by inserting after the word
11 "beaches." the following: "The safety standards for
12 swimming pools, including swimming pools intended for
13 single family use, shall require the installation of a
14 safety fence surrounding a swimming pool. For the
15 purpose of this subsection, "safety fence" means a
16 chain link fence which is a minimum of four feet in
17 height."

CALVIN O. HULTMAN
RICHARD F. DRAKE

S-3148

- 1 Amend the amendment S-3143 to Senate File 124 as
2 follows:

DIVISION S—3148A

- 3 1. Page 1, line 21, by striking the figure “30%”
 4 and inserting the following: “50%”.

DIVISION S—3148C

- 5 2. Page 1, by striking lines 23 through 27 and
 6 inserting the following:
 7 “— . An applicant shall make every effort to
 8 ensure that a substantial number of the staff and
 9 entertainers employed are residents of Iowa.”

DIVISION S—3148B

- 10 3. Page 1, by striking lines 31 through 35.

ROBERT M. CARR

S-3149

- 1 Amend amendment, S-3143, to Senate File 124 as
 2 follows:
 3 1. Page 1, line 35, by inserting after the word
 4 “level” the following: “, be employed on a policy of
 5 gender balance, and be compensated according to a
 6 comparable worth pay matrix”.

CALVIN O. HULTMAN

S-3150

- 1 Amend Senate File 233 as follows:
 2 1. Page 1, line 28, by striking the word “shall”
 3 and inserting the following: “may”.

TOM MANN, JR.

S-3151

- 1 Amend Senate File 233 as follows:
 2 1. Page 2, line 18, by inserting after the word
 3 “offense.” the following: “The court, to the extent
 4 possible, shall pursue a course of least offensive
 5 intrusion and shall endeavor to preserve the privacy
 6 rights of any person forced to submit to a search
 7 pursuant to this section.”

TOM MANN, JR.

S-3152

1 Amend Senate File 233 as follows:
2 1. Page 1, line 34, by inserting after the word
3 "offense." the following: "The court, to the extent
4 possible, shall pursue a course of least offensive
5 intrusion and shall endeavor to preserve the privacy
6 rights of any person forced to submit to a search
7 pursuant to this section."

TOM MANN, JR.

S-3153

1 Amend Senate File 233 as follows:
2 1. Page 2, line 18, by inserting after the word
3 "offense." the following: "The court shall only order
4 an inmate to produce a physical specimen when probable
5 cause exists to believe that the inmate has committed
6 an offense, other than an offense which resulted in
7 the inmate's incarceration."

TOM MANN, JR.

S-3154

1 Amend Senate File 233 as follows:
2 1. Page 1, line 34, by inserting after the word
3 "offense." the following: "The court shall only order
4 an inmate to produce a physical specimen when probable
5 cause exists to believe that the inmate has committed
6 an offense, other than an offense which resulted in
7 the inmate's incarceration."

TOM MANN, JR.

S-3155

1 Amend Senate File 233 as follows:
2 1. Page 2, line 13, by striking the words "board
3 shall" and inserting the following: "board may".

TOM MANN, JR.

S-3156

- 1 Amend the amendment S-3143 to Senate File 124 as
- 2 follows:
- 3 1. Page 1, by striking lines 33 through 35.

CALVIN HULTMAN

HOUSE AMENDMENT TO
SENATE FILE 59

S-3157

- 1 Amend Senate File 59, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 18, by striking the word
- 4 "academic".
- 5 2. Page 1, line 22, by striking the words
- 6 "receipt unless the" and inserting the following:
- 7 "receipt. During the 1990-1991 school year, if the".
- 8 3. Page 1, line 26, by striking the word "year."
- 9 and inserting the following: "year, the board of the
- 10 district of residence may deny the request for the
- 11 1990-1991 school year."
- 12 4. Page 1, by striking lines 32 through 35 and
- 13 inserting the following: "shall be considered. The
- 14 board".
- 15 5. Page 2, line 11, by striking the word
- 16 "superintendent's".
- 17 6. Page 2, line 11, by striking the words
- 18 "compliance with" and inserting the following:
- 19 "implementation of".
- 20 7. Page 2, line 12, by inserting after the word
- 21 "plan." the following: "If, however, a transfer
- 22 request would facilitate a voluntary or court-ordered
- 23 desegregation plan, the district shall give priority
- 24 to granting the request over other requests."
- 25 8. Page 3, line 4, by striking the words "special
- 26 education or".
- 27 9. Page 3, line 5, by striking the word "that"
- 28 and inserting the following: "each".
- 29 10. Page 3, line 6, by inserting after the word
- 30 "year." the following: "The district of residence
- 31 shall also transmit the phase III moneys allocated to
- 32 the district for the full-time equivalent attendance
- 33 of the pupil, who is the subject of the request, to
- 34 the receiving district specified in the request for

35 transfer. However, if the district of residence has
36 outstanding obligations on school bonds, has entered
37 into a rental or lease arrangement under section
38 279.26, or has entered into a loan agreement in
39 anticipation of the collection of the schoolhouse tax
40 under section 297.36, only fifty percent of the
41 property tax portion of the district cost per pupil
42 shall be paid to the receiving district for the first
43 three years of the transfer, unless the debt is paid
44 before the end of the three years. If the debt is
45 paid in less than three years from the date of the
46 transfer or if three years pass, from the date of the
47 transfer, without retirement of the district of
48 residence's debt obligation, whichever date is sooner,
49 the full amount of the district cost per pupil shall
50 then be paid to the receiving district. If a request

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1 filed under this section is for a child requiring
2 special education under chapter 281, the request to
3 transfer to the other district shall only be granted
4 if the receiving district maintains a special
5 education instructional program which is appropriate
6 to meet the child's educational needs and the
7 enrollment of the child in the receiving district's
8 program would not cause the size of the class in that
9 special education instructional program in the
10 receiving district to exceed the maximum class size in
11 rules adopted by the state board of education for that
12 program. For pupils requiring special education, the
13 board of directors of the district of residence shall
14 pay to the receiving district the actual costs
15 incurred in providing the appropriate special
16 education."

17 11. Page 3, line 7, by inserting after the word
18 "district." the following: "If the transfer of a
19 pupil from one district to another results in a
20 transfer from one area education agency to another,
21 the sending district shall forward a copy of the
22 request to the sending district's area education
23 agency. The receiving district shall forward a copy
24 of the request to the receiving district's area
25 education agency. Any moneys received by the area
26 education agency of the sending district for the child
27 who is the subject of the request shall be forwarded
28 to the receiving district's area education agency."

29 12. Page 3, line 11, by inserting after the word
30 "district" the following: " unless the child meets
31 the economic eligibility requirements, established

32 under the federal National School Lunch and Child
 33 Nutrition Acts, 42 U.S.C. § 1751-1785, for free or
 34 reduced price lunches. If the child meets those
 35 requirements, the sending district shall be
 36 responsible for providing transportation or paying the
 37 pro rata cost of the transportation to a parent or
 38 guardian for transporting the child to and from a
 39 point on a regular school bus route of a contiguous
 40 receiving district unless the cost of providing
 41 transportation or the pro rata cost of the
 42 transportation to a parent or guardian exceeds the
 43 average transportation cost per pupil transported for
 44 the previous school year in the district. If the cost
 45 exceeds the average transportation cost per pupil
 46 transported for the previous school year, the sending
 47 district shall only be responsible for that average
 48 per pupil amount. A sending district which provides
 49 transportation for a child to a contiguous receiving
 50 district under this paragraph may withhold from the

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1 district cost per pupil amount, that is to be paid to
 2 the receiving district, an amount which represents the
 3 average or pro rata cost per pupil for transportation,
 4 whichever is less”.

5 13. Page 3, line 11, by inserting after the word
 6 “district” the following: “. A receiving district
 7 shall not send school vehicles into the district of
 8 residence of the pupil using the open enrollment
 9 option under this section, for the purpose of
 10 transporting the pupil to and from school in the
 11 receiving district”.

12 14. Page 3, by striking lines 12 through 14.

13 15. Page 3, by inserting before line 15 the
 14 following:

15 “A child, whose parent or guardian has submitted a
 16 request to enroll the child in a public school in
 17 another district, shall, if the request has resulted
 18 in the enrollment of the child in the other district,
 19 attend school in the other district which is the
 20 subject of the request. This requirement shall not
 21 apply, however, if the child’s family moves out of the
 22 district of residence.”

23 16. Page 3, by inserting after line 16 the fol-
 24 lowing:

25 “The board of directors of a school district
 26 subject to volunteer or court-ordered desegregation
 27 may vote not to participate in open enrollment under
 28 this section during the school year commencing July 1,

29 1990, and ending June 30, 1991. If a district chooses
30 not to participate in open enrollment under this
31 paragraph, the district shall develop a policy for
32 implementation of open enrollment in the district for
33 that following school year. The policy shall contain
34 objective criteria for determining when a request
35 would adversely impact the desegregation order or plan
36 and criteria for prioritizing requests that do not
37 have an adverse impact on the order or plan.”
38 17. Page 3, line 17, by striking the words
39 “attends school” and inserting the following:
40 “attends a grade in grades nine through twelve”.
41 18. Page 3, line 20, by striking the words “or
42 any organized practice sessions”.
43 19. Page 3, line 23, by inserting after the word
44 “participate” the following: “or unless the sport in
45 which the student wishes to participate is not offered
46 in the district of residence”.
47 20. Page 3, line 23, by inserting after the word
48 “participate.” the following: “However, a pupil who
49 has paid tuition and attended school, or has attended
50 school pursuant to a mutual agreement between the two

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1 districts, in a district other than the pupil's
2 district of residence for at least one school year
3 prior to the effective date of this Act, shall be
4 eligible to participate in interscholastic athletic
5 contests and athletic competitions under this section,
6 but only as a member of a team from the district that
7 student had attended.”
8 21. Page 3, by inserting after line 23 the
9 following:
10 “A student who has been paying tuition and
11 attending school in a district other than the
12 student's district of residence shall be permitted to
13 attend school in the district where the student has
14 been paying tuition, during the 1989-1990 school year,
15 by filing a request to use the open enrollment option
16 under this section by August 1, 1989.
17 A student, whose district of residence, for the
18 purposes of school attendance, changes during the
19 1989-1990 school year, shall be permitted to attend
20 school during the 1989-1990 school year in the
21 district in which the student attended during the
22 1988-1989 school year if a request to use the open
23 enrollment option under this section is filed by
24 August 1, 1989.
25 If a child, for which a request to transfer has

26 been filed with the district of residence, has been
 27 suspended or expelled in the district of residence,
 28 the receiving district named in the request may refuse
 29 the request to transfer until the child has been
 30 reinstated in the district of residence.

31 A laboratory school under chapter 265 shall be
 32 exempt from the provisions of this section.

33 The director of the department of education shall
 34 recommend rules to the state board of education for
 35 the orderly implementation of this section. The state
 36 board shall adopt rules as needed for the
 37 implementation of this section."

38 22. Page 3, by striking lines 24 through 31 and
 39 inserting the following:

40 "Sec. ____ . THREE-YEAR REPORT ON OPEN ENROLLMENT.

41 The department of education shall conduct a three-year
 42 study of the implementation of open enrollment in the
 43 state. The study shall include, but not be limited
 44 to, a comparison of graduation rates before and after
 45 the effective date of this Act; a demographic study of
 46 the use of the open enrollment option relating to the
 47 number of students using the open enrollment option,
 48 the effect of open enrollment on staffing patterns and
 49 curricular offerings, the effect of open enrollment on
 50 district ability to comply with desegregation orders

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1 or plans and minimum school standards, and the effect
 2 of open enrollment on the actual student populations
 3 within affected districts; the effect of open
 4 enrollment on student participation in interscholastic
 5 athletics; and the average number of school days
 6 missed by open enrollment participants. The data
 7 collected, together with any conclusions, shall be
 8 submitted in annual reports to the general assembly
 9 until and including the general assembly which meets
 10 in 1993."

11 23. Page 3, line 32, by inserting after the word
 12 "repealed" the following: "effective July 1, 1990".

13 24. Page 4, line 2, by striking the word "fact;"
 14 and inserting the following: "fact,".

15 25. By renumbering, relettering, or redesignating
 16 and correcting internal references as necessary.

S-3158

1 Amend Senate File 233 as follows:

2 1. Page 2, line 12, by inserting after the figure

3 "13.10," the following: "the 5th amendment to the
4 United States Constitution's guarantee against self-
5 incrimination, and the 4th amendment to the United
6 States Constitution's and article I, section 8, of the
7 Iowa Constitution's prohibition against unreasonable
8 search and seizure without warrant or without probable
9 cause,".

TOM MANN, JR.

S-3159

1 Amend Senate File 233 as follows:
2 1. Page 1, line 28, by inserting after the figure
3 "13.10," the following: "the 5th amendment to the
4 United States Constitution's guarantee against self-
5 incrimination, and the 4th amendment to the United
6 States Constitution's and article I, section 8, of the
7 Iowa Constitution's prohibition against unreasonable
8 search and seizure without warrant or without probable
9 cause,".

TOM MANN, JR.

S-3160

1 Amend the House amendment, S-3157, to Senate File
2 59, as amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 1, by striking lines 5 through 11 and
5 inserting the following:
6 "___ . Page 1, line 26, by striking the word
7 "that" and inserting the following: "any".

JOHN W. JENSEN

S-3161

1 Amend the House amendment, S-3157, to Senate File
2 59, as amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 1, by inserting after line 2 the
5 following:
6 "___ . Page 1, line 5, by striking the figure
7 "1989" and inserting the following: "1991"."
8 2. Page 1, line 7, by striking the figures "1990-
9 1991" and inserting the following: "1992-1993".

- 10 3. Page 1, line 11, by striking the figures
 11 "1990-1991" and inserting the following: "1992-1993".
 12 4. Page 3, line 29, by striking the words and
 13 figures "1990, and ending June 30, 1991" and inserting
 14 the following: "1992, and ending June 30, 1993".
 15 5. Page 4, line 14, by striking the figures
 16 "1989-1990" and inserting the following: "1991-1992".
 17 6. Page 4, line 16, by striking the figure "1989"
 18 and inserting the following: "1991".
 19 7. Page 4, line 19, by striking the figures
 20 "1989-1990" and inserting the following: "1991-1992".
 21 8. Page 4, line 20, by striking the figures
 22 "1989-1990" and inserting the following: "1991-1992".
 23 9. Page 4, line 22, by striking the figures
 24 "1988-1989" and inserting the following: "1990-1991".
 25 10. Page 4, line 24, by striking the figure
 26 "1989" and inserting the following: "1991".
 27 11. Page 4, line 12, by striking the figure
 28 "1990" and inserting the following: "1992".

JOHN W. JENSEN
 KEN SCOTT

S-3162

- 1 Amend the amendment, S-3134, to Senate File 220 as
 2 follows:
 3 1. Page 1, by striking lines 7 through 10 and
 4 inserting the following: "99D.22. To the extent the
 5 remainder paid over to the commission is from".
 6 2. Page 1, line 14, by striking the words " , less
 7 the cost of drug testing,".

JOHN W. JENSEN

S-3163

- 1 Amend Senate File 276 as follows:
 2 1. Page 1, line 6, by inserting after the word
 3 "filed" the following: "or recorded".
 4 2. Page 1, line 9, by striking the word "filed"
 5 and inserting the following: "filed recorded".
 6 3. Page 1, line 15, by inserting after the word
 7 "filed" the following: "or recorded".
 8 4. Page 1, line 23, by striking the word "filing"
 9 and inserting the following: "filing recording".
 10 5. Page 1, line 31, by inserting after the word
 11 "filed" the following: "or recorded".

- 12 6. Page 1, line 34, by inserting after the word
13 “refiling” the following: “or rerecording”.
- 14 7. Page 2, line 10, by striking the word “file”
15 and inserting the following: “file record”.
- 16 8. Page 2, line 32, by striking the word “filing”
17 and inserting the following: “filing recording”.
- 18 9. Page 2, line 35, by striking the word “filing”
19 and inserting the following: “filing recording”.
- 20 10. Page 3, line 3, by inserting after the word
21 “filing” the following: “or recording”.
- 22 11. Page 3, line 4, by inserting after the word
23 “file” the following: “or recorded”.
- 24 12. Page 3, line 6, by inserting after the word
25 “filed” the following: “or recorded”.
- 26 13. Page 3, by striking line 8 and inserting the
27 following: “or certificate is on file or recorded,
28 giving the date and hour of filing or recording”.
- 29 14. Page 3, line 10, by inserting after the word
30 “filing” the following: “or recording”.
- 31 15. Page 3, line 14, by inserting after the word
32 “filing” the following: “or recording”.
- 33 16. Page 3, line 18, by inserting after the word
34 “filed” the following: “or recorded”.
- 35 17. Page 3, line 20, by inserting after the word
36 “Filing” the following: “or recording”.
- 37 18. Page 3, line 22, by inserting after the word
38 “filed” the following: “or recorded”.
- 39 19. Page 3, line 26, by inserting after the word
40 “filed” the following: “or recorded”.
- 41 20. Page 3, line 27, by inserting after the word
42 “filed” the following: “or recorded”.
- 43 21. Page 3, line 28, by inserting after the word
44 “Filing” the following: “or recording”.
- 45 22. Page 3, line 29, by inserting after the word
46 “filed” the following: “or recorded”.
- 47 23. Page 3, line 33, by inserting after the word
48 “filed” the following: “or recorded”.
- 49 24. Page 3, line 34, by inserting after the word
50 “filed” the following: “or recorded”.

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- 1 25. Page 4, line 1, by inserting after the word
2 “filed” the following: “or recorded”.

S-3164

- 1 Amend Senate File 275 as follows:
- 2 1. Page 3, line 5, by striking the word
- 3 "provide".

RICHARD VARN

S-3165

- 1 Amend the House amendment, S-3157, to Senate File
- 2 59 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. By striking page 1, line 3 through page 5,
- 5 line 16 and inserting the following:
- 6 "____. By striking everything after the enacting
- 7 clause and inserting the following:
- 8 "Section 1. Section 282.18, Code 1989, is amended
- 9 by striking the section and inserting in lieu thereof
- 10 the following:
- 11 282.18 OPEN ENROLLMENT
- 12 For the school year beginning July 1, 1990, a
- 13 parent or guardian residing in a school district may
- 14 enroll the parent's or guardian's child in a public
- 15 school in another school district. The state board of
- 16 education shall adopt rules to administer this
- 17 section. The rules shall include, but not be limited
- 18 to the following: procedures and timelines for
- 19 notification of school districts affected by a child's
- 20 transfer, designation of responsibility for
- 21 transporting the student to and from school, and any
- 22 exceptions to a parent's or guardian's option to
- 23 enroll a child in a school district under this
- 24 section. Exceptions to a parent's or guardian's
- 25 option under this section may relate to voluntary or
- 26 court-ordered desegregation plans, limited space in
- 27 school facilities, staffing limitations, or rules
- 28 under section 280.13 which relate to participation in
- 29 interscholastic contests and competitions."
- 30 2. Title, by striking lines 1 through 4 and
- 31 inserting the following: "An Act to permit parents or
- 32 guardians to enroll their children in the public
- 33 schools of school districts other than the district of
- 34 residence.""

JOY CORNING

S-3166

- 1 Amend the House amendment, S-3157, to Senate File
- 2 59, as amended, passed and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 4, by striking lines 31 and 32.

JOY CORNING

S-3167

- 1 Amend Senate File 157 as follows:
- 2 1. Page 1, lines 16 and 17, by striking the words
- 3 "~~during the hours of 6 a.m. to 9 p.m.~~" and inserting
- 4 the following: "during the hours of 6 a.m. to 9 11:30
- 5 p.m."

JOHN P. KIBBIE
RICHARD VANDE HOEF

S-3168

- 1 Amend Senate File 157 as follows:
- 2 1. Page 1, line 28, by inserting after the word
- 3 "license." the following: "Parental consent given for
- 4 the issuance of a school license under this section
- 5 shall not be deemed to be consent given under section
- 6 321.184 for the issuance of any other permit or
- 7 license applied for by the school license applicant."

RICHARD RUNNING

S-3169

- 1 Amend Senate File 214 as follows:
- 2 1. Page 1, lines 29 and 30, by striking the
- 3 words: "This chapter does not apply to facilities
- 4 intended for single family use."
- 5 2. Page 1, line 34, by inserting after the word
- 6 "chapter." the following: "This chapter does not
- 7 apply to facilities intended for single family use
- 8 with the exception of the installation of safety
- 9 fences as required pursuant to section 135J.4."
- 10 3. Page 2, line 17, by inserting after the word
- 11 "beaches." the following: "The safety standards for
- 12 swimming pools, including swimming pools intended for
- 13 single family use, shall require the installation of a

14 safety fence surrounding a swimming pool. For the
 15 purpose of this subsection, "safety fence" means a
 16 chain link or wood fence which is a minimum of four
 17 feet in height."

CALVIN O. HULTMAN
 RICHARD F. DRAKE

S-3170

1 Amend Senate File 333 as follows:
 2 1. Title page, by striking line 4, and inserting
 3 the following: "state regional bank holding company,
 4 subject to certain procedures and conditions,
 5 subjecting a bank acquired by a regional bank holding
 6 company to community reinvestment standards and
 7 disclosures as a condition of the deposit of public
 8 funds or the approval of actions of the bank by the
 9 superintendent, and other properly related matters,
 10 and making penalties".

MICHAEL GRONSTAL

HOUSE AMENDMENT TO
 SENATE FILE 105

S-3171

1 Amend Senate File 105, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 232.68, subsection 4, Code
 6 1989, is amended to read as follows:
 7 4. "Health practitioner" includes a licensed
 8 physician and surgeon, osteopath, osteopathic
 9 physician and surgeon, dentist, optometrist,
 10 podiatrist or chiropractor; a resident or intern in
 11 any of such professions; a licensed dental hygienist;
 12 and ~~any a~~ registered nurse or licensed practical
 13 nurse.
 14 Sec. 2. Section 235B.1, subsection 7, paragraph a,
 15 unnumbered paragraph 3, Code 1989, is amended to read
 16 as follows:
 17 Any other person, including but not limited to a
 18 volunteer, who believes that a dependent adult has
 19 suffered abuse may report the suspected abuse to the

- 20 department of human services.”
21 2. Title page, by striking lines 1 and 2 and
22 inserting the following: “An Act relating to the
23 reporting of abuse of children and dependent adults.”
24 3. By renumbering as necessary.

S-3172

- 1 Amend amendment, S-3134, to Senate File 220 as
2 follows:
3 1. Page 1, lines 30 and 31, by striking the words
4 and figures “harness racing tracks in existence on
5 July 1, 1989,” and inserting the following:
6 “qualified harness racing tracks”.
7 2. Page 1, lines 40 and 41, by striking the words
8 and figures “harness racing tracks in existence on
9 July 1, 1989,” and inserting the following:
10 “qualified harness racing tracks”.
11 3. Page 1, by inserting after line 42 the
12 following:
13 “c. For purposes of this subsection, “qualified
14 harness racing track” means a harness racing track
15 that either has held at least one harness race meet
16 between July 1, 1985, and July 1, 1989, or has applied
17 after July 1, 1989, with and been approved by the
18 racing commission for the allocation of funds under
19 this subsection. The racing commission shall approve
20 an application if the harness racing track has held at
21 least one harness race meet during the year preceding
22 the year for which the track seeks funds under this
23 subsection.”

LARRY MURPHY

S-3173

- 1 Amend Senate File 205 as follows:
2 1. Page 3, by striking lines 21 through 26.

MICHAEL E. GRONSTAL

S-3174

- 1 Amend Senate File 205 as follows:
2 1. Page 3, line 20, by inserting after the word
3 “unit” the following: “or in a hospital as authorized
4 by chapter 147A”.

WILLIAM W. DIELEMAN

S-3175

1 Amend Senate File 157 as follows:
2 1. Page 1, lines 8 and 9, by striking the words
3 "paragraph one, Code 1989, is" and inserting the
4 following: "paragraphs 1 and 3, Code 1989, are".
5 2. Page 1, by inserting after line 28 the
6 following:
7 "A license issued under this section is subject to
8 suspension or revocation in like manner as any other
9 license or permit issued under a law of this state.
10 The department may also suspend a license upon
11 receiving satisfactory evidence that the licensee has
12 violated the restrictions of the license or has been
13 involved in one or more accidents chargeable to the
14 licensee. The department may suspend a license issued
15 under this section and a permit issued under section
16 321.180 upon receiving a record of the licensee's
17 conviction for one violation and, The department
18 shall revoke the license and any permit issued under
19 section 321.180 upon receiving a record of conviction
20 for two or more violations of a law of this state or a
21 city ordinance regulating the operation of motor
22 vehicles on highways other than parking violations as
23 defined in section 321.210. After revoking a license
24 under this section the department shall not grant an
25 application for a new license or permit until the
26 expiration of one year or until the licensee's
27 sixteenth birthday whichever is the longer period."

JIM LIND

S-3176

1 Amend Senate File 157 as follows:
2 1. Page 1, line 14, by inserting after the word
3 "course." the following: "The department shall not
4 require completion of an approved driver education
5 course before issuing a school license, however, if
6 the student, for whom the district has certified a
7 special need, demonstrates to the satisfaction of the
8 department that completion of the course would impose
9 a hardship upon the student. The department shall
10 adopt rules under chapter 17A defining the term
11 "hardship" and establishing procedures for the

12 demonstration and determination of when completion of
13 the course would impose a hardship upon a student."

BERL PRIEBE

S-3177

1 Amend Senate File 292 as follows:
2 1. Page 4, line 9, by inserting after the word
3 "lienholder" the following: "who is not a state or
4 federally regulated financial institution".

C. JOSEPH COLEMAN

S-3178

1 Amend House File 5, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 11 through 17 and
4 inserting the following: "undue inconvenience to the
5 employee. If the employee has reason to be
6 dissatisfied with the care offered, the employee
7 should communicate the basis of such dissatisfaction
8 to the employer, in writing if requested, following
9 which the employer and the employee may agree to
10 alternate care reasonably suited to treat the injury.
11 When the employee chooses the physician, a report must
12 be filed with the employer. An employer may request
13 that the employee seek a second opinion from a
14 physician mutually agreed upon between the employer
15 and employee if the employer is dissatisfied with the
16 care provided by the physician chosen by the employee.
17 If the employer and employee cannot agree".
18 2. Page 1, line 29, by inserting after the word
19 "immediately." the following: "A description of the
20 employee's job and the working conditions of the
21 employee's place of employment must be provided to the
22 treating physician within twenty-four hours of the
23 employee's initial visit."

ELAINE SZYMONIAK

S-3179

1 Amend Senate File 124 as follows:
2 1. Page 18, by inserting after line 5 the
3 following:

4 "Sec. ____ . REPORT OF IMPLEMENTATION.
 5 The state racing and gaming commission shall report
 6 to the general assembly by April 1, 1990, the number
 7 of excursion gambling boat licenses which the
 8 commission has issued. No license issued shall take
 9 effect before April 1, 1991. The report shall also
 10 include the administrative rules which the commission
 11 proposes or has adopted to implement the provisions of
 12 chapter 99F."
 13 2. By renumbering sections.

JOE WELSH
 GEORGE R. KINLEY

S-3180

1 Amend House File 197, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting after line 18 the fol-
 4 lowing:
 5 "4. This section does not apply to the bed of a
 6 navigable stream or river while the surface of the
 7 stream or river is frozen."

COMMITTEE ON NATURAL RESOURCES
 Kenneth Scott, Chairperson

S-3181

1 Amend Senate File 124 as follows:
 2 1. Page 20, by inserting after line 15 the following:
 3 "Sec. ____ . This Act is repealed effective July 1,
 4 1996."

MICHAEL E. GRONSTAL

S-3182

1 Amend Senate File 371 as follows:
 2 1. Page 1, lines 16 and 17, by striking the words
 3 "and the county commissioner" and inserting the
 4 following: "~~and the county commissioner~~".
 5 2. Page 1, by striking line 19 and inserting the
 6 following:
 7 "PARAGRAPH DIVIDED. When the rules of a political
 8 party require the selection and".
 9 3. Page 1, by inserting after line 34 the

10 following:

11 “Within fourteen days after the date of the caucus
12 the county central committee shall certify to the
13 county commissioner the names of those elected as
14 party committee members and delegates to the county
15 convention.”

16 4. Page 27, by striking line 15 and inserting the
17 following: “secretary of the state central committee
18 of the party.

19 However, if the national nominating convention of a
20 political party adjourns later than eighty-nine days
21 before the general election the certificate showing
22 the names of that party’s candidates for president and
23 vice president shall be filed within five days after
24 adjournment.

25 As an”.

26 5. Page 27, line 25, by inserting after the word
27 “list” the following: “of the names and addresses”.

28 6. Page 32, line 26, by striking the words
29 “eligible and registered” and inserting the following:
30 “eligible and registered qualified”.

MICHAEL E. GRONSTAL
RICHARD F. DRAKE
ROBERT M. CARR

S-3183

1 Amend Senate File 300 as follows:

2 1. Page 1, line 6, by striking the word
3 “Territory” and inserting the following: “Except as
4 provided for by an agreement pursuant to chapter 28E,
5 territory”.

ELAINE SZYMONIAK

S-3184

1 Amend Senate File 332 as follows:

2 1. Page 2, line 16, by striking the word “by” and
3 inserting the following: “through”.
4 2. Page 2, line 19, by striking the word “by” and
5 inserting the following: “through”.
6 3. Page 3, line 29, by striking the words “or
7 paralegal personnel”.
8 4. Page 6, by striking lines 14 through 27.
9 5. Page 10, lines 2 and 3, by striking the words
10 “attorney general for reference to the supreme court”

- 11 and inserting the following: "Iowa state bar
- 12 association committee on professional ethics and
- 13 conduct pursuant to the provisions of supreme court
- 14 rule 118".
- 15 6. By renumbering as necessary.

RICHARD RUNNING
DONALD DOYLE

S-3185

- 1 Amend Senate File 294 as follows:
- 2 1. Page 4, line 11, by striking the words "the
- 3 offenses of" and inserting the following: "felony
- 4 offenses involving".

AL STURGEON

S-3186

- 1 Amend Senate File 294 as follows:
- 2 1. Page 8, line 23, by striking the word "may"
- 3 and inserting the following: "shall".

AL STURGEON

S-3187

- 1 Amend Senate File 294 as follows:
- 2 1. Page 10, by striking lines 17 through 20 and
- 3 inserting the following: "communications were
- 4 intercepted, shall make available to the person or the
- 5 person's attorney for inspection the intercepted
- 6 communications, applications, and orders. On an".

AL STURGEON

S-3188

- 1 Amend Senate File 271 as follows:
- 2 1. Page 1, line 6, by striking the words "eighty
- 3 percent of".

COMMITTEE ON BUSINESS
AND LABOR RELATIONS
JOHN A. PETERSON, Chairperson

S-3189

- 1 Amend Senate File 294 as follows:
- 2 1. Page 11, line 9, by inserting after the word
- 3 "face," the following: "the order of authorization
- 4 under which it was intercepted was not supported by a
- 5 showing of probable cause,".

AL STURGEON

S-3190

- 1 Amend Senate File 220 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 99D.12, subsection 2,
- 5 paragraph a, Code 1989, is amended to read as follows:
- 6 a. ~~Seventy-five~~ Seventy-three percent shall be
- 7 retained by the licensee to supplement purses for
- 8 races won by Iowa-whelped dogs as provided in section
- 9 99D.22.
- 10 Sec. 2. Section 99D.12, subsection 2, Code 1989,
- 11 is amended by adding the following new paragraph:
- 12 NEW PARAGRAPH. c. Two percent shall be deposited
- 13 by the commission into a special fund to be known as
- 14 the dog racing promotion fund. The commission each
- 15 year shall approve a nonprofit organization to use
- 16 moneys in the fund for research, education, and
- 17 marketing of dog racing in the state, including public
- 18 relations, and other promotional techniques. The
- 19 nonprofit organization shall not engage in political
- 20 activity. It shall be a condition of the allocation
- 21 of funds that any organization receiving funds shall
- 22 not expend the funds on political activity or on any
- 23 attempt to influence legislation.
- 24 Sec. 3. Section 99D.13, subsection 2, Code 1989,
- 25 is amended by striking the subsection and inserting in
- 26 lieu thereof the following:
- 27 2. Winnings from each racetrack forfeited under
- 28 subsection 1 shall escheat to the state and to the
- 29 extent appropriated by the general assembly shall be
- 30 used by the department of agriculture and land
- 31 stewardship to administer sections 99D.22 and 99D.27.
- 32 The remainder shall be paid over to the commission to
- 33 pay the cost of drug testing at the tracks. To the
- 34 extent the remainder paid over to the commission, less
- 35 the cost of drug testing, is from unclaimed winnings
- 36 from harness racing meets, the remainder shall be used

37 as provided in subsection 3. To the extent the
 38 remainder paid over to the commission, less the cost
 39 of drug testing, is from unclaimed winnings from
 40 tracks licensed for dog races, the commission, at
 41 least quarterly, shall remit one-third of the amount
 42 to the treasurer of the city in which the racetrack is
 43 located, one-third of the amount to the treasurer of
 44 the county in which the racetrack is located, and one-
 45 third of the amount to the racetrack from which it was
 46 forfeited. If the racetrack is not located in a city,
 47 then one-third shall be deposited as provided in
 48 chapter 556. The amount received by the racetrack
 49 under this subsection shall be used only for retiring
 50 the debt of the racetrack facilities and for capital

Page 2

1 improvements to the racetrack facilities.
 2 Sec. 4. Section 99D.13, Code 1989, is amended by
 3 adding the following new subsection:
 4 NEW SUBSECTION. 3. One hundred twenty thousand
 5 dollars of winnings from wagers placed at harness
 6 racing meets forfeited under subsection 1 in a
 7 calendar year that escheat to the state and are paid
 8 over to the commission are appropriated to the racing
 9 commission for the fiscal year beginning in that
 10 calendar year to be used as follows:
 11 a. Eighty percent of the amount appropriated shall
 12 be allocated to the harness racing tracks in existence
 13 on July 1, 1989, to be used by the tracks to
 14 supplement the purses for those harness races in which
 15 only Iowa-bred or owned horses may run. However,
 16 beginning with the allocation of the appropriation
 17 made for the fiscal year beginning July 1, 1992, the
 18 races for which the purses are to be supplemented
 19 under this paragraph shall be those in which only
 20 Iowa-bred two-year and three-year olds may run.
 21 b. Twenty percent of the amount appropriated shall
 22 be allocated to the harness racing tracks in existence
 23 on July 1, 1989, to be used by the tracks for
 24 maintenance of and improvements to the tracks.
 25 Notwithstanding section 8.33, unencumbered or un-
 26 obligated funds remaining on June 30 of the fiscal
 27 year for which the funds were appropriated shall not
 28 revert but shall be available for expenditure for the
 29 following fiscal year for the purposes of this
 30 subsection.
 31 Sec. 5. Section 99D.14, subsection 4, Code 1989,
 32 is amended to read as follows:
 33 4. No other license tax, permit tax, occupation

34 tax, or racing fee, shall be levied, assessed, or
35 collected from a licensee by the state or by a
36 political subdivision, except as provided in this
37 chapter. All property used in the operation of a race
38 track shall be exempt from property tax.

39 Sec. 6. Section 99D.15, subsection 1, unnumbered
40 paragraph 1, Code 1989, is amended to read as follows:

41 A tax of six percent is imposed on the gross sum
42 wagered by the pari-mutuel method at each horse race
43 meeting. The tax imposed by this section subsection
44 shall be paid by the licensee to the treasurer of
45 state within ten days after the close of each horse
46 race meeting and shall be distributed as follows:

47 Sec. 7. Section 99D.15, subsection 2, Code 1989,
48 is amended to read as follows:

49 2. A tax credit of up to five percent of the gross
50 sum wagered per year shall be granted to licensees

Page 3

1 licensed for horse races and paid into a special fund
2 for the purpose of retiring the annual debt on the
3 cost of construction of the licensed facility.

4 However, the tax credit is equal to six percent of the
5 gross sum wagered in a year when the gross sum wagered
6 is less than ninety million dollars. Any portion of
7 the credit not used in a particular year shall be
8 retained by the treasurer of state. A tax credit
9 shall first be assessed against any share going to a
10 city, then to the share going to a county, and then to
11 the share going to the state.

12 Sec. 8. Section 99D.15, Code 1989, is amended by
13 adding the following new subsection:

14 NEW SUBSECTION. 3. a. A tax is imposed on the
15 gross sum wagered by the pari-mutuel method at each
16 track licensed for dog races. The tax imposed by this
17 subsection shall be paid by the licensee to the
18 treasurer of state within ten days after the close of
19 the track's racing season. The rate of tax on each
20 track is as follows:

21 (1) Six percent, if the gross sum wagered in the
22 racing season is fifty-five million dollars or more.

23 (2) Five percent, if the gross sum wagered in the
24 racing season is thirty million dollars or more but
25 less than fifty-five million dollars.

26 (3) Four percent, if the gross sum wagered in the
27 racing season is less than thirty million dollars.

28 b. The tax revenue shall be distributed as
29 follows:

30 (1) If the racetrack is located in a city, one-

31 half of one percent of the gross sum wagered shall be
 32 remitted to the treasurer of the city in which the
 33 racetrack is located and shall be deposited in the
 34 general fund of the city. One-half of one percent of
 35 the gross sum wagered shall be remitted to the
 36 treasurer of the county in which the racetrack is
 37 located and shall be deposited in the general fund of
 38 the county. The remaining amount shall be deposited
 39 in the general fund of the state.

40 (2) If the racetrack is located in an
 41 unincorporated part of a county, one-half of one
 42 percent of the gross sum wagered shall be remitted to
 43 the treasurer of the county in which the racetrack is
 44 located and shall be deposited in the general fund of
 45 the county. The remaining amount shall be deposited
 46 in the general fund of the state.

47 c. If the rate of tax imposed under paragraph "a"
 48 is five percent or four percent, a track shall set
 49 aside for retiring the debt of the racetrack
 50 facilities or for capital improvement to the racetrack

Page 4

1 facilities the following amount:

2 (1) If the rate of tax paid by the track is five
 3 percent, one percent of the gross sum wagered in the
 4 racing season shall be set aside.

5 (2) If the rate of tax paid by the track is four
 6 percent, two percent of the gross sum wagered in the
 7 racing season shall be set aside.

8 Sec. 9. NEW SECTION. 99D.27 RACING DOG ADOPTION
 9 PROGRAM.

10 1. The department shall administer an adoption
 11 program for a dog, if the dog meets the following
 12 conditions:

13 a. Belongs to a breed eligible for racing under
 14 this chapter.

15 b. Fails to qualify for racing under this chapter.

16 c. Has a disposition compatible as a pet residing
 17 within a household.

18 d. Is free of disease or disability requiring
 19 extensive medical treatment.

20 2. The department shall accept the ownership of a
 21 dog qualifying under this section for purposes of
 22 transferring ownership of the dog without charge to a
 23 person whom the department determines will provide the
 24 dog with care and companionship. A dog shall not be
 25 transferred to a person for purposes related to
 26 racing, breeding, hunting, laboratory research, or
 27 scientific experimentation. The department shall

28 transfer information relating to the dog to the new
29 owner.

30 3. Before transferring ownership of a dog to a new
31 owner, the department shall do the following:

32 a. Record information about the dog when the owner
33 transfers the dog to the department.

34 b. Ensure that the dog is sterilized according to
35 accepted veterinary procedures.

36 c. Keep the dog in a sound and healthy condition,
37 including providing the dog with necessary
38 vaccinations.

39 4. The department may destroy a dog, if the dog
40 becomes seriously diseased or disabled or the dog has
41 not been transferred to a new owner within a period of
42 time established by the department. The department
43 shall destroy a dog only by use of euthanasia as
44 defined in section 162.2.

45 5. The department may cooperate or contract with a
46 pound, animal shelter, or commercial kennel, as
47 defined in section 162.1, to administer this section.

48 Sec. 10. For the fiscal year beginning July 1,
49 1989, and ending June 30, 1990, moneys deposited into
50 the dog racing promotion fund pursuant to section

Page 5

1 99D.12 shall be paid by the state racing commission to
2 the Iowa greyhound association for purposes of
3 research, education, and marketing of dog racing in
4 the state, including public relations, and other
5 promotional techniques.

6 Sec. 11. Section 99D.16, Code 1989, is repealed.

7 Sec. 12. Section 8 of this Act applies to tracks
8 licensed for dog races whose racing season ends on or
9 after January 1, 1989.

10 Sec. 13. Licensees affected by the enactment of
11 section 8 of this Act are entitled to a refund of the
12 excess taxes paid under section 99D.15, if a claim for
13 refund is filed with the department of revenue and
14 finance by July 1, 1990.

15 Sec. 14. Section 11 of this Act applies
16 retroactively to January 1, 1989, for tax years
17 beginning on or after that date.

18 Sec. 15. This Act, being deemed of immediate
19 importance, takes effect upon enactment."

20 2. Title page, line 1, by striking the word
21 "unclaimed".

S-3191

1 Amend Senate File 363 as follows:

2 1. Page 8, by inserting after line 18 the fol-
3 lowing:

4 "Sec. ____ . 1988 Iowa Acts, chapter 1276, section
5 8, subsection 2, is amended to read as follows:

6 2. As a condition, qualification, and limitation
7 of the funds appropriated under this section, such
8 funds shall be used to increase staff in order to
9 improve supervision and services provided to
10 residents; ~~or~~ to implement a classification system and
11 a short-term high-impact program for adjudicated
12 delinquents at the state training school; ~~and to~~
13 ~~establish a diagnostic program and short-term high-~~
14 ~~impact program for adjudicated female delinquents and~~
15 ~~adjudicated "child in need of assistance" boys and~~
16 ~~girls residing at the state juvenile home."~~

17 2. By renumbering as necessary.

CHARLES BRUNER

S-3192

1 Amend Senate File 205 as follows:

2 1. Page 3, line 10, by inserting after the word
3 "section" the following: "and section 135F.5".

4 2. Page 3, line 20, by inserting after the word
5 "unit" the following: "or in a hospital as authorized
6 by chapter 147A".

7 3. Page 3, line 22, by striking the figure
8 "1985," and inserting the following: "1989,".

BEVERLY A. HANNON

S-3193

1 Amend Senate File 87 as follows:

2 1. Page 1, line 9, by inserting after the word
3 "inspection," the following: "and".

4 2. Page 1, by striking line 10 and inserting the
5 following: "conducted the inspection. The numerical
6 rating received shall be placed on file in the office
7 of the regulating authority and shall be made
8 available, upon request, to members of the public."

RICHARD RUNNING

S-3194

1 Amend Senate File 81 as follows:

2 1. Page 1, line 11, by inserting after the figure
3 "321.1." the following: "However, "motor vehicle"
4 does not include a motor vehicle, as defined in
5 section 321.1, with a registered gross vehicle weight
6 rating of more than twelve thousand pounds."

7 2. Page 1, by striking lines 15 through 23, and
8 inserting the following:

9 "Sec. ____ . NEW SECTION. 537B.3 REQUIRED TRADE
10 PRACTICES.

11 1. If a consumer authorizes, in writing, repairs
12 or service upon a motor vehicle prior to the
13 commencement of the repairs or service, a conspicuous
14 disclosure in substantially the following language
15 shall appear on the authorization form or on a
16 separate form provided to the consumer at the time of
17 the authorization.

18 ESTIMATE

19 YOU HAVE THE RIGHT TO A WRITTEN OR ORAL ESTIMATE IF
20 THE EXPECTED COST OF REPAIRS OR SERVICE WILL BE MORE
21 THAN FIFTY DOLLARS. YOUR BILL WILL NOT BE HIGHER THAN
22 THE ESTIMATE BY MORE THAN TEN PERCENT UNLESS YOU
23 APPROVE A HIGHER AMOUNT BEFORE REPAIRS ARE FINISHED.
24 INITIAL YOUR CHOICE:

25 Written estimate.

26 Oral estimate.

27 No estimate.

28 Call me if repairs and service will be more
29 than \$-----.

30 2. The form described in subsection 1, shall at
31 minimum contain the following information:"

32 3. By striking page 1, line 28, through page 4,
33 line 24, and inserting the following:

34 "If a written estimate is requested, the supplier
35 may write the written estimate on the authorization
36 form or on another form. If the nature of repairs or
37 service is unknown at the time that the estimate is
38 given, the supplier may state an hourly labor charge
39 for the work. If the consumer so requests, a copy of
40 the written estimate shall be provided to the consumer
41 prior to the commencement of any repairs or service.

42 3. If a consumer orally authorizes repairs or
43 service upon a motor vehicle prior to the commencement
44 of the repairs or service, the supplier shall inform
45 the consumer of the right to receive a written or oral
46 estimate. The supplier shall note the consumer's
47 response on the form described in subsections 1 and 2.

48 If the consumer requests an estimate, the supplier
 49 shall provide the estimate to the consumer prior to
 50 commencing the repairs or service.”

Page 2

- 1 4. Page 4, line 34, by striking the words
 2 “amounts to ten percent or more” and inserting the
 3 following: “amount to more than ten percent”.
 4 5. Page 5, line 3, by striking the word “twenty-
 5 five” and inserting the following: “fifty”.
 6 6. Page 5, line 8, by striking the word “twenty-
 7 five” and inserting the following: “fifty”.
 8 7. Page 5, by striking lines 9 through 14, and
 9 inserting the following:
 10 “5. Fail to disclose prior to the commencement of
 11 any repairs or service, that a charge will be made for
 12 disassembly, reassembly, partially completed work, or
 13 any other work not directly related to the actual
 14 performance of the repairs or service. A charge so
 15 imposed must be directly related to the”.
 16 8. Page 5, by striking lines 34 through 35, and
 17 inserting the following:
 18 “12. Materially and intentionally understate or
 19 misstate the estimated cost of the repairs or
 20 service.”
 21 9. Page 6, line 12, by inserting after the word
 22 “service.” the following: “However, this subsection
 23 does not prohibit the supplier from retaining the
 24 replaced parts if the consumer so requests.”
 25 10. Page 6, by striking lines 28 through 30.
 26 11. By striking page 6, line 34, through page 7,
 27 line 22, and inserting the following: “supplier or
 28 the supplier’s employees, if the consumer requests
 29 that information.”
 30 12. By renumbering as necessary.

COMMITTEE ON COMMERCE
 WILLIAM D. PALMER, Chairperson

S-3195

- 1 Amend Senate File 344 as follows:
 2 1. Page 2, line 29, by striking the word “actual”
 3 and inserting the following: “legal”.

TOM MANN

S-3196

1 Amend Senate File 362 as follows:

2 1. Page 27, line 31, by inserting after the word
3 "years." the following: "However, the board of
4 directors may waive its authority to adopt the
5 instructional support program by resolution, or may
6 rescind its action to adopt the instructional support
7 program by resolution, and may call an election for
8 authority to adopt the instructional support program
9 for a five-year period using the election procedure
10 specified in section 257.20. Prior to making a
11 decision on the instructional support program, the
12 board shall hold a public hearing on the question."

13 2. Page 28, line 6, by inserting after the word
14 "year." the following: "Funding for the instructional
15 support program shall be obtained from instructional
16 support state aid, and a combination of an
17 instructional support property tax and an
18 instructional support income surtax."

19 3. Page 28, by striking lines 7 through 9 and
20 inserting the following: "amount to be raised for the
21 instructional support program in the manner provided
22 in this section."

23 4. Page 28, line 10, by inserting after the word
24 "determine" the following: "the amount to be raised
25 by the combination of".

26 5. Page 28, line 11, by inserting after the word
27 "tax" the following: "and the instructional support
28 income surtax".

29 6. Page 28, line 21, by inserting after the word
30 "by" the following: "the combination of the".

31 7. Page 28, line 22, by inserting after the word
32 "tax" the following: "and the instructional support
33 income surtax".

34 8. Page 29, by striking lines 1 through 3 and
35 inserting the following:

36 "The combination of the instructional support
37 property tax and instructional support income surtax
38 shall be imposed in the proportion of a property tax
39 of twenty-seven cents per thousand dollars of assessed
40 valuation of taxable property in the district for each
41 five percent of income surtax."

42 9. Page 29, by inserting before line 4 the
43 following:

44 "Sec. ____ . **NEW SECTION. 257.19A COMPUTATION OF**
45 **INSTRUCTIONAL SUPPORT AMOUNT.**

46 The department of management shall establish the
47 amount of instructional support property tax to be

48 levied and the amount of instructional support income
49 surtax to be imposed for each school year for which
50 the instructional support amount is authorized. The

Page 2

1 department of management shall determine these amounts
2 based upon the most recent figures available for the
3 district's valuation of taxable property, individual
4 state income tax paid, and budget enrollment in the
5 district, and shall certify to the district's county
6 auditor the amount of instructional support property
7 tax, and to the director of revenue and finance the
8 amount of instructional support income surtax to be
9 imposed.

10 The instructional support income surtax shall be
11 imposed on the state individual income tax for the
12 calendar year during which the school's budget year
13 begins, or for a taxpayer's fiscal year ending during
14 the second half of that calendar year or the first
15 half of the succeeding calendar year, and shall be
16 imposed on all individuals residing in the school
17 district on the last day of the applicable tax year.
18 As used in this section, "state individual income tax"
19 means the tax computed under section 422.5, less the
20 deductions allowed in sections 422.10, 422.11 and
21 422.12.

22 Sec. ____ . NEW SECTION. 257.19B STATUTES
23 APPLICABLE.

24 The director of revenue and finance shall
25 administer the instructional support income surtax
26 imposed under this chapter, and sections 422.20,
27 422.22 to 422.31, 422.68, and 422.72 to 422.75 shall
28 apply in respect to administration of the
29 instructional support income surtax.

30 Sec. ____ . NEW SECTION. 257.19C FORM AND TIME OF
31 RETURN.

32 The instructional support income surtax shall be
33 made a part of the Iowa individual income tax return
34 subject to the conditions and restrictions set forth
35 in section 422.21.

36 Sec. ____ . NEW SECTION. 257.19D DEPOSIT OF
37 INSTRUCTIONAL SUPPORT INCOME SURTAX.

38 The director of revenue and finance shall deposit
39 all moneys received as instructional support income
40 surtax to the credit of each district from which the
41 moneys are received, in an "instructional support
42 income surtax fund" which is established in the office
43 of the treasurer of state.

44 The director of revenue and finance shall deposit

45 all instructional support income surtax moneys
 46 received on or before November 1 of the year following
 47 the close of the school budget year for which the
 48 surtax is imposed to the credit of each district from
 49 which the moneys are received in the instructional
 50 support income surtax fund. All instructional support

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1 income surtax moneys received or refunded after
 2 November 1 of the year following the close of the
 3 school budget year for which the surtax is imposed
 4 shall be deposited in or withdrawn from the general
 5 fund of the state and shall be considered part of the
 6 cost of administering the instructional support income
 7 surtax.

8 Sec. ____ . NEW SECTION. 257.19E INSTRUCTIONAL
 9 SUPPORT INCOME SURTAX CERTIFICATION.

10 On or before October 20 each year, the director of
 11 revenue and finance shall make an accounting of the
 12 instructional support income surtax collected under
 13 this chapter applicable to tax returns for the last
 14 preceding calendar year, or for fiscal year taxpayers,
 15 on the last day of their tax year ending during that
 16 calendar year and after the date of the election
 17 approving the surtax, from taxpayers in each school
 18 district in the state which has approved the
 19 instructional support program, and shall certify to
 20 the department of management and the department of
 21 education the amount of total instructional support
 22 income surtax credited from the taxpayers of each
 23 school district. Additional returns in process, if
 24 any, at the time of certification shall be completed
 25 and the additional amount of instructional support
 26 income surtax reported to the department of management
 27 for distribution back to the school district with the
 28 first installment of the following school year.

29 Sec. ____ . NEW SECTION. 257.19F INSTRUCTIONAL
 30 SUPPORT INCOME SURTAX DISTRIBUTION.

31 The director of revenue and finance shall draw
 32 warrants in payment of the amount of surtax payable to
 33 each of the school districts in two installments to be
 34 paid on approximately the first day of December and
 35 the first day of February, and shall cause the
 36 warrants to be delivered to the respective school
 37 districts.”

38 10. Page 29, by striking line 6 and inserting the
 39 following:

40 “The”.

41 11. Page 29, line 9, by striking the word

42 "provided" and inserting the following: "approved by
43 the board".

44 12. Page 29, line 10, by inserting after the word
45 "years." the following: "The election shall be held
46 not later than July 1, 1993, if the board has adopted
47 the instructional support program for the school year
48 commencing July 1, 1991."

49 13. Page 29, line 14, by inserting after the
50 words "special election" the following: "held not

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1 later than December 1".

2 14. Page 29, by striking lines 19 through 22 and
3 inserting the following: "instructional support
4 program, the school district's authority to receive
5 additional funding for the instructional support
6 program ends on June 30 of the next following budget
7 year."

8 15. By renumbering as necessary.

COMMITTEE ON WAYS AND MEANS
WILLIAM W. DIELEMAN, Chairperson

S-3197

1 Amend Senate File 344 as follows:

2 1. Page 2, by striking lines 26 through 32.

LINN FUHRMAN

S-3198

1 Amend Senate File 362 as follows:

2 1. Page 27, lines 29 and 30, by striking the
3 words "elect by resolution to receive" and inserting
4 the following: "call an election to vote on the
5 proposition whether to provide".

6 2. Page 28, by inserting after line 2 the
7 following:

8 "The board of directors shall direct the county
9 commissioner of elections to submit the question of
10 whether to participate in the instructional support
11 program to the qualified electors residing in the
12 district at a regular school election or special
13 election. If a majority of those voting on the
14 question favors participating in the instructional
15 support program, the board may certify the budget for

16 the program to the department of management for each
17 of the next five years.

18 If the voters do not approve participation in the
19 instructional support program, the board may resubmit
20 the proposition to the electors no sooner than sixty
21 days following the date of the election at which
22 approval was not obtained."

23 3. Page 28, line 3, by striking the word
24 "Certification" and inserting the following: "After
25 approval at an election, certification".

26 4. Page 28, line 26, by striking the words "for a
27 budget year" and inserting the following: "at an
28 election".

29 5. Page 29, by striking lines 6 through 22.

30 6. Page 29, by striking line 26 and inserting the
31 following: "section 257.19."

EMIL J. HUSAK
EUGENE FRAISE
NORMAN GOODWIN
LEONARD L. BOSWELL
JOHN SOORHOLTZ
BERL E. PRIEBE
ALVIN MILLER
DALE L. TIEDEN
MARK R. HAGERLA
JIM LIND
JACK W. HESTER
RAY TAYLOR
JOHN A. PETERSON
RICHARD VANDEHOEF
C. JOSEPH COLEMAN
JACK RIFE
H. KAY HEDGE
PAUL PATE
WILMER RENSINK
LINN FUHRMAN
JOHN JENSEN

S-3199

1 Amend Senate File 362 as follows:

2 1. Page 59, line 24, by striking the word "three"
3 and inserting the following: "twelve".

4 2. Page 59, line 30, by inserting after the word
5 "program." the following: "The proposed budget from a
6 school district shall not exceed the moneys allocated
7 to the school district under subsection 3 unless the
8 funding is obtained from other sources."

9 3. Page 60, by striking lines 4 through 10 and
 10 inserting the following: "developing program plans
 11 and proposed budgets. The remainder shall be
 12 allocated to school districts on the basis of their
 13 certified enrollments."

JACK RIFE

S-3200

1 Amend House File 197 as amended, passed, and
 2 reprinted by the House as follows:
 3 1. Page 1, by striking line 5 and inserting the
 4 following: "stream which has been identified as a
 5 navigable stream or river by rules adopted by the
 6 department and is covered by water or in a stream
 7 identified as a trout stream by the department. This
 8 section does".
 9 2. Page 1, line 10, by inserting after the word
 10 "streambed." the following: "This section does not
 11 prohibit the operation of motor vehicles on ice."

JOHN P. KIBBIE

S-3201

1 Amend Senate File 396 as follows:
 2 1. Page 3, by striking line 16 and inserting the
 3 following: "expected to be released from custody
 4 because of the expiration of the offender's sentence."

MARK R. HAGERLA

S-3202

1 Amend Senate File 370 as follows:
 2 1. Page 1, line 16, by striking the words
 3 "composed of".
 4 2. Page 2, line 16, by striking the words "is an
 5 enrolled".
 6 3. Page 2, by striking lines 17 and 18.
 7 4. Page 2, line 19, by striking the words "the
 8 board, and".
 9 5. Page 2, line 24, by inserting after the word
 10 "business," the following: "has passed an examination
 11 in accounting administered by the accreditation
 12 council for accountancy,".

13 6. Page 2, line 25, by striking the words "one
14 year" and inserting the following: "two years".
15 7. Page 2, line 25, by striking the words "in
16 practice".
17 8. Page 2, line 26, by striking the word
18 "either".
19 9. Page 2, lines 27 and 28, by striking the words
20 "as an accounting practitioner".
21 10. Page 2, line 31, by inserting after the word
22 "business" the following: ", has passed an
23 examination in accounting administered by the
24 accreditation council for accountancy,".
25 11. Page 2, lines 32 and 33, by striking the
26 words "in practice".
27 12. Page 2, line 33, by striking the word
28 "either".
29 13. Page 2, line 35, by striking the words "as an
30 accounting practitioner".
31 14. Page 3, lines 5 and 6, by striking the words
32 "in practice".
33 15. Page 3, line 6, by striking the word
34 "either".
35 16. Page 3, line 8, by striking the words "as an
36 accounting practitioner".
37 17. Page 3, line 10, by inserting after the word
38 "status" the following: ", and is an enrolled agent
39 entitled to practice before the United States internal
40 revenue service".
41 18. Page 3, by inserting after line 10, the
42 following:
43 "4. The applicant has passed a written examination
44 as prescribed by the board in practice and theory."
45 19. Page 3, by striking lines 13 and 14 and
46 inserting the following:
47 "Every An applicant successfully passing all
48 subjects in which examined satisfying the requirements
49 of section 116.8 shall be granted and issued a license
50 as an".

EUGENE FRAISE

S-3203

1 Amend Senate File 362 as follows:

2 1. By striking page 8, line 33, through page 11,
3 line 8, and inserting the following:

4 "1. CALCULATION BY DEPARTMENT OF MANAGEMENT. On
5 or before September 15, 1990, the department of
6 management shall compute a state percent of growth for

7 the budget year and a state percent of growth for the
8 year following the budget year.

9 On or before each September 15 thereafter, the de-
10 partment of management shall compute a state percent
11 of growth for the year following the budget year. The
12 state percents of growth shall be forwarded to the
13 director of the department of education.

14 2. BUDGET YEAR CALCULATION. For the budget year,
15 the state percent of growth is an average of the
16 following four percents of growth in paragraphs "a"
17 and "b" except as otherwise provided in subsection 4:

18 a. The difference in the percents of change in
19 receipts of state general fund revenues, computed or
20 estimated by the state revenue estimating conference
21 created in section 8.22A as follows:

22 (1) The percent of change between the revenues
23 received during the second year preceding the base
24 year and the revenues received during the year
25 preceding the base year.

26 (2) The percent of change between the revenues
27 received during the year preceding the base year and
28 the revenues received during the base year.

29 For the purpose of this lettered paragraph,
30 receipts of state general fund revenues do not include
31 one-time nonrecurring receipts or receipts that are
32 accounting transactions made to meet the requirements
33 of 1986 Iowa Acts, chapter 1238, section 59.

34 b. The difference in the gross national product
35 implicit price deflators, based to the extent possible
36 on the latest available values for these deflators,
37 published by the bureau of economic analysis, United
38 States department of commerce, computed or estimated
39 as a percent of change as follows:

40 (1) From the value for the year ending December 31
41 eighteen months before the beginning of the base year
42 to the value for the year ending December 31 six
43 months before the beginning of the base year.

44 (2) From the value for the year ending December 31
45 six months before the beginning of the base year to
46 the value for the year ending December 31 in the base
47 year.

48 3. CALCULATION FOR YEAR FOLLOWING BUDGET YEAR.

49 For the year following the budget year, the state
50 percent of growth is an average of the following four

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1 percentages of growth in paragraphs "a" and "b",
2 except as provided in subsection 4:

3 a. The difference in the percents of change in

4 receipts of state general fund revenues computed or
5 estimated by the state revenue estimating conference
6 created in section 8.22A as follows:

7 (1) The percent of change between the revenues
8 received during the year preceding the base year and
9 the revenues received during the base year.

10 (2) The percent of change between the revenues
11 received during the base year and the revenues
12 received during the budget year.

13 For the purpose of this lettered paragraph,
14 receipts of state general fund revenues do not include
15 one-time nonrecurring receipts or receipts that are
16 accounting transactions made to meet the requirements
17 of 1986 Iowa Acts, chapter 1238, section 59.

18 b. The difference in the gross national product
19 implicit price deflators, based to the extent possible
20 on the latest available values for those deflators
21 published by the bureau of economic analysis, United
22 States department of commerce, computed or estimated
23 as a percent of change as follows:

24 (1) From the value for the year ending December 31
25 six months before the beginning of the base year to
26 the value for the year ending December 31 six months
27 before the beginning of the budget year.

28 (2) From the value for the year ending December 31
29 six months before the beginning of the budget year to
30 the value for the year ending December 31 during the
31 budget year.

32 4. EXCEPTION. If the average of the percents
33 computed or estimated under paragraph "b" of
34 subsection 2 or 3 exceeds the average of the percents
35 computed or estimated under paragraph "a" of the
36 applicable subsection, the state percent of growth for
37 that budget year shall be the average of the two
38 percents of growth computed or estimated under
39 paragraph "a" of the applicable subsection.

40 5. NEGATIVE PERCENT. If the state percent of
41 growth computed for a budget year is negative, that
42 percent shall not be used and the state percent of
43 growth shall be zero.

44 6. RECOMPUTATION. On or before September 15 of
45 each year the department of management shall recompute
46 the state percent of growth for the previous year
47 using adjusted estimates and the actual figures
48 available. The difference between the recomputed
49 state percent of growth for the previous year and the
50 original computation shall be added to or subtracted

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1 from the state percent of growth for the year
 2 following the budget year, as applicable. However, on
 3 or before September 15, 1989, the department of
 4 management shall recompute the state percent of growth
 5 for the previous year in the manner provided in
 6 section 442.7, Code 1989.

7 With regard to values of gross national product
 8 implicit price deflators, the recomputation of the
 9 state percent of growth for the previous year shall be
 10 made only with respect to the value of the deflator
 11 for the year which occurred subsequent to the
 12 calculation of the state percent of growth for the
 13 previous year. If subsection 4 is used in the
 14 calculation of the state percent of growth for the
 15 previous year, the calculation made in subsection 3,
 16 paragraph "b", shall not be used in the recomputation
 17 of the state percent of growth for the previous year.
 18 7. ALLOWABLE GROWTH CALCULATION. The department
 19 of management shall calculate the regular program
 20 allowable growth for a budget year by multiplying the
 21 state percent of growth for the budget year by the
 22 regular program state cost per pupil for the base year
 23 and shall calculate the special education support
 24 services allowable growth for the budget year by
 25 multiplying the state percent of growth for the budget
 26 year by the special education support services state
 27 cost per pupil for the base year.

28 8. COMBINED ALLOWABLE GROWTH. The allowable
 29 growth per pupil for each school district is the sum
 30 of the regular program allowable growth per pupil and
 31 the special education support services allowable
 32 growth per pupil for the budget year, which may be
 33 modified as follows:

- 34 a. By the school budget review committee under
 35 section 257.22.
 36 b. By the department of management under section
 37 257.30."

CALVIN O. HULTMAN
 RICHARD F. DRAKE

S-3204

1 Amend amendment, S-3196, to Senate File 362 as
 2 follows:

- 3 1. Page 1, line 16, by inserting after the word
 4 "and" the following: "an instructional support

5 property tax, an instructional support income surtax,
6 or”.

7 2. Page 1, line 24, by inserting after the word
8 “raised” the following: “by an instructional support
9 property tax, by an instructional support income
10 surtax, or”.

11 3. Page 1, line 30, by inserting before the words
12 “the combination” the following: “the instructional
13 support property tax, the instructional support income
14 surtax, or”.

15 4. Page 1, by striking lines 34 through 36 and
16 inserting the following:

17 “ ____ . Page 29, line 3, by inserting after the
18 figure “257.4.” the following:

19 “The instructional support income surtax shall be
20 imposed as provided in sections 257.19A through
21 257.19F.

22 The combination of the instructional support”.

23 5. Page 1, line 38, by inserting after the word
24 “imposed” the following: “, as provided in sections
25 257.19A through 257.19F.”.

WALLY HORN
JULIA GENTLEMAN

S-3205

1 Amend Senate File 362 as follows:

2 1. Page 47, by inserting after line 7 the follow-
3 ing:

4 “Sec. ____ . Section 256A.3, subsection 5, Code
5 1989, is amended by adding the following new
6 unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. Program grants funded
8 under this subsection may integrate children not
9 meeting at-risk criteria into the program and shall
10 establish a fee for participation in the program in
11 the manner provided in section 279.49, but grant funds
12 shall not be used to pay the costs for those children.

13 Sec. ____ . Section 256A.3, Code 1989, is amended by
14 adding the following new subsection:

15 NEW SUBSECTION. 9. Subject to a decision by the
16 council to initiate the programs, develop criteria for
17 and award grants under section 279.51, subsection 1,
18 paragraph “b”, subparagraphs (1) and (2).”

19 2. By striking page 59, line 18, through page 60,
20 line 13, and inserting the following:

21 “Sec. ____ . NEW SECTION. 279.51 PROGRAMS FOR AT-
22 RISK CHILDREN.”

23 1. School districts operating or contracting for
24 programs for at-risk children that meet the
25 requirements of this section are eligible for funding
26 under this section. There is appropriated from the
27 general fund of the state to the department of
28 education for the fiscal year beginning July 1, 1990,
29 the sum of eleven million two hundred thousand
30 dollars. For each succeeding fiscal year, there is
31 appropriated the amount appropriated for the previous
32 fiscal year plus an additional amount equal to the
33 state percent of growth as calculated in section 257.8
34 multiplied by the amount appropriated the previous
35 fiscal year as follows:

36 a. Two hundred seventy-five thousand dollars of
37 the funds appropriated shall be allocated to the area
38 education agencies to assist school districts in
39 developing program plans and budgets under this
40 section and to assist school districts in meeting
41 other responsibilities in early childhood education.

42 b. Three million two hundred thousand dollars of
43 the funds appropriated shall be allocated to the child
44 development coordinating council established in
45 chapter 256A for the purposes set out in subsection 2
46 of this section and section 256A.3.

47 c. For each of the fiscal years during the fiscal
48 period beginning July 1, 1990, and ending June 30,
49 1994, one million dollars of the funds appropriated
50 shall be allocated for the school-based youth services

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1 education program established in subsection 3.
2 Subject to the approval of the state board of
3 education, the allocation made in this paragraph may
4 be renewed for additional four-year periods of time.

5 d. One million dollars of the funds appropriated
6 shall be allocated to school districts for initiatives
7 to improve educational and counseling services for at-
8 risk children in the elementary grades through
9 increased staffing under subsection 4.

10 e. The department shall divide the remainder of
11 the funds appropriated in this subsection to school
12 districts that have at least one hundred twenty-five
13 kindergarten children enrolled on the third Friday of
14 September of the base year, as base year is defined in
15 section 257.2. The department shall calculate a per
16 pupil amount for each fiscal year by dividing the re-
17 mainder of the funds appropriated in this subsection
18 by the total number of kindergarten children in the
19 schools qualifying for assistance under this

20 subsection.

21 A school district's maximum budget for an at-risk
22 program funded under this subsection is equal to the
23 per pupil amount for that fiscal year multiplied by
24 the number of kindergarten children enrolled in that
25 district. Funds available under this subsection shall
26 be expended for preschool educational programs for
27 four-year old, or three-year and four-year old, at-
28 risk children as set out in subsection 5.

29 2. Funds allocated under subsection 1, paragraph
30 "b", shall be used by the child development
31 coordinating council for the following:

32 a. To continue funding for programs previously
33 funded by grants awarded under section 256A.3.

34 b. (1) To award grants for three-year and four-
35 year old children to areas served by school districts
36 not eligible for funding under subsection 1, paragraph
37 "e".

38 (2) The council may also award grants to school
39 districts to establish a full-day kindergarten program
40 or a program for three-year, four-year, and five-year
41 old at-risk children which is a combination of
42 preschool and full-day kindergarten.

43 (3) The council may also award grants to school
44 districts to provide educational support services to
45 parents of at-risk children age birth through three
46 years.

47 (4) The state board of education shall assist the
48 child development coordinating council in developing
49 rules to implement this paragraph.

50 3. A school-based youth services education program

Page 3

1 is established. The department of education, in
2 consultation with the department of human services,
3 the department of employment services, the Iowa
4 department of public health, and the division of job
5 training and entrepreneurship assistance of the
6 department of economic development, shall develop a
7 four-year demonstration grant program that commences
8 in the fiscal year beginning July 1, 1990. The
9 department shall provide grants to individual middle
10 schools or high schools to establish school-based
11 youth services programs based upon program plans filed
12 by the board of directors of the school district.
13 Priority shall be given to schools with student
14 populations characterized by high rates of a number of
15 the following: school dropout and absenteeism;
16 teenage pregnancy; juvenile court involvement;

17 unemployment; teenage suicide; and teenage mental
18 health, substance abuse, and other health problems.
19 The department shall evaluate proposed programs based
20 upon the department's analysis of effectiveness in
21 reducing these rates within the schools.
22 Additional objectives of the programs shall be: to
23 increase the ability of existing agencies within the
24 community to address the multiple problems of
25 teenagers and to coordinate their activities, to
26 provide an accessible and attractive center for
27 teenagers in or near school that they are most likely
28 to use, and to facilitate joint planning to make the
29 most economic and innovative use of community
30 resources. Programs shall at a minimum provide job
31 training and employment services, mental health and
32 family counseling services, and primary health care
33 services that include but are not limited to physical
34 examinations, immunizations, hearing and vision
35 screening, and preventive and primary health care
36 services, in the context of the educational needs of
37 the students. The department shall give additional
38 consideration to program proposals that provide access
39 to the center after school, in the evening and on
40 weekends, and during the summer; that provides a
41 twenty-four hour telephone hotline or similar service;
42 and that provides access to day care or on-site day
43 care.
44 The plan shall include the appointment by the board
45 of a local advisory board for each proposed program,
46 which at a minimum shall include a representative of
47 the private industry council serving the area, parents
48 of children enrolled in the school, a teacher
49 recommended by the local teachers association, a
50 representative from the health and mental health com-

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1 munity in the area, teenagers enrolled in the school
2 and recommended by the school student government, a
3 representative from the nonprofit provider community,
4 and a representative from the juvenile court system
5 serving the area. Management of the program may be by
6 the school, a single nonprofit organization, or a
7 public organization that receives and administers
8 funds.
9 Program proposals shall include a written
10 commitment from the school principal and the board of
11 directors that the school will work to coordinate and
12 integrate existing school services and activities with
13 the center and shall include letters of support for

14 the proposal from the local teachers association;
15 parent-teacher organizations; community organizations;
16 nonprofit agencies providing social services, health,
17 or employment services in the area; and the area
18 private industry council.

19 Grants for the program shall not be used to
20 construct a new facility, but up to ten percent of the
21 grant may be used to renovate an existing structure.
22 In addition, up to ten percent of the grant funds may
23 be used to provide each of the following service
24 categories: day care, transportation, and recreation.
25 Program proposals shall include a contribution of
26 at least twenty percent of the total costs of the
27 program, which can include "in-kind" services.
28 Partnerships between the public and private sectors
29 are particularly encouraged. The budget for a
30 proposed program shall not exceed two hundred thousand
31 dollars per year.

32 4. The department of education shall expend the
33 funds available in subsection 1, paragraph "d", to
34 improve the availability of staff members in
35 elementary schools which are characterized by a high
36 proportion of at-risk children and large class sizes
37 and high student-to-teacher, or student-to-counselor
38 ratios to relate to the students. Districts shall
39 apply for funds to reduce class sizes or student-to-
40 teacher or student-to-counselor ratios. For the
41 purposes of this subsection, "staff member" means both
42 a certificated teacher and a teacher aide.

43 5. In implementing subsection 1, paragraph "e",
44 the state board of education shall use the criteria
45 for identification and operation of programs for at-
46 risk children adopted by the child development
47 coordinating council. School districts may contract
48 with existing head start programs, prekindergarten
49 programs, child care centers, or other agencies to
50 provide programs. Districts shall demonstrate to the

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1 department that they have involved local head start
2 programs, prekindergarten programs, and child care
3 centers in the development of their programs.

4 6. The department shall seek assistance from the
5 first in the nation in education foundation
6 established in chapter 257A and other foundations and
7 public and private agencies in the evaluation of the
8 programs funded under this section, and in the
9 provision of support to school districts in developing
10 and implementing the programs funded under this

11 section.

12 7. The state board of education shall adopt rules

13 under chapter 17A for the administration of this

14 section."

CHARLES BRUNER
LARRY MURPHY
JOY CORNING

S-3206

1 Amend Senate File 362 as follows:

2 1. Page 24, line 17, by striking the word "If"

3 and inserting the following: "For the budget years

4 beginning July 1, 1991, and July 1, 1992, if".

LARRY MURPHY

S-3207

1 Amend Senate File 362 as follows:

2 1. Page 12, by striking lines 12 through 14 and

3 inserting the following: "excellence program plus the

4 total of twenty dollars times one hundred percent plus

5 the state percent of growth for the budget year for

6 the cost of providing programs for gifted and talented

7 pupils. The amount per pupil that".

8 2. Page 16, line 14, by inserting after the word

9 "dollars" the following: "times one hundred percent

10 plus the state percent of growth for the budget year".

11 3. Page 16, by striking lines 23 through 25 and

12 inserting the following:

13 "b. Twenty dollars times one hundred percent plus

14 the state percent of growth for the budget year for

15 the cost of providing programs for gifted and talented

16 pupils."

17 4. Page 89, line 20, by striking the word "six"

18 and inserting the following: "sixteen".

19 5. Page 89, line 23, by inserting after the word

20 "year." the following: "From the moneys appropriated

21 in this section, ten million dollars shall be

22 allocated for programs for gifted and talented

23 pupils."

LARRY MURPHY

S-3208

- 1 Amend amendment, S-3196, to Senate File 362 as
- 2 follows:
- 3 1. Page 3, by striking lines 46 through 48 and
- 4 inserting the following: "within twenty-four months
- 5 following the date of imposition by the board of the
- 6 instructional support program."

LARRY MURPHY

S-3209

- 1 Amend Senate File 362 as follows:
- 2 1. Page 27, line 13, by striking the words "eight
- 3 hundred" and inserting the following: "one thousand".
- 4 2. Page 27, line 16, by striking the words "seven
- 5 million" and inserting the following: "three million
- 6 five hundred thousand".

LARRY MURPHY

S-3210

- 1 Amend Senate File 362 as follows:
- 2 1. Page 33, by striking lines 25 and 26 and
- 3 inserting the following: "prioritize the requests of
- 4 school districts ranking districts first by their
- 5 mandatory transportation costs per pupil transported
- 6 and then giving consideration to the geographic size
- 7 of the district".
- 8 2. Page 33, line 27, by striking the word
- 9 "districts".

LARRY MURPHY

S-3211

- 1 Amend Senate File 362 as follows:
- 2 1. Page 12, line 9, by striking the words "the
- 3 amount per pupil".
- 4 2. Page 12, by striking lines 10 and 11.
- 5 3. Page 12, line 12, by striking the words
- 6 "excellence program".
- 7 4. Page 12, line 14, by striking the words "The
- 8 amount per pupil that".
- 9 5. Page 12, by striking lines 15 through 20.

10 6. Page 16, line 12, by striking the words "the
 11 amount per pupil".

12 7. Page 16, by striking line 13.

13 8. Page 16, line 14, by striking the words "the
 14 educational excellence program and minus".

15 9. Page 16, by striking lines 18 through 22.

16 10. Page 24, line 33, by striking the word
 17 "amounts" and inserting the following: "amount".

18 11. Page 24, line 33, by striking the word
 19 "paragraphs" and inserting the following:
 20 "paragraph".

21 12. Page 24, line 34, by striking the words "'a"
 22 and".

23 13. By striking page 73, line 22, through page
 24 75, line 24, and inserting the following:
 25 "Sec. ____ . Section 294A.9, unnumbered paragraph 1,
 26 Code 1989, is amended to read as follows:
 27 Phase II is established to improve the salaries of
 28 teachers. For each fiscal year through the fiscal
 29 year beginning July 1, 1990, the department of
 30 education shall allocate to each school district for
 31 the purpose of implementing phase II ~~an~~ a per pupil
 32 equal to seventy-five dollars and ninety-three
 33 cents multiplied by the district's certified
 34 enrollment and to each area education agency for the
 35 purpose of implementing phase II ~~an~~ a per pupil amount
 36 equal to three dollars and fifty-five cents multiplied
 37 by the enrollment served in the area education agency;
 38 ~~if the general assembly has appropriated sufficient~~
 39 ~~moneys to the fund so that pursuant to section 294A.3,~~
 40 ~~thirty-eight million five hundred thousand dollars~~
 41 ~~will be allocated by the department to school~~
 42 ~~districts and area education agencies for phase II.~~
 43 ~~If, because of the amount of the appropriation made by~~
 44 ~~the general assembly to the fund, less than thirty-~~
 45 ~~eight million five hundred thousand dollars is~~
 46 ~~allocated for phase II, the department of education~~
 47 ~~shall adjust the amount for each student in certified~~
 48 ~~enrollment and each student in enrollment served based~~
 49 ~~upon the amount allocated for phase II.~~
 50 Notwithstanding the per pupil amount of the payments

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1 specified in this section, for the fiscal year
 2 beginning July 1, 1991, and each succeeding fiscal
 3 year, the per pupil amounts upon which the phase II
 4 moneys are based shall be increased by an amount equal
 5 to the product of the state percent of growth

6 calculated under section 257.8 and the per pupil
 7 amount for the previous fiscal year.”

8 14. Page 77, by striking lines 2 through 14 and
 9 inserting the following:

10 “1. For ~~each fiscal year commencing~~ with the
 11 fiscal year beginning July 1, ~~1987~~ 1990, there is
 12 appropriated from the general fund of the state to the
 13 department of education the amount of ninety-two
 14 million one hundred thousand eighty-five dollars to be
 15 used to improve teacher salaries. For each fiscal
 16 year thereafter, there is appropriated an amount equal
 17 to the amount appropriated for the fiscal year
 18 beginning July 1, 1990, plus an amount sufficient to
 19 pay the costs of the additional funding provided for
 20 school districts and area education agencies under
 21 sections 294A.9 and 294A.14. The moneys shall be
 22 distributed as provided in this section.”

23 15. Page 77, by striking lines 17 through 29 and
 24 inserting the following:

25 “5. For ~~each~~ the fiscal year beginning July 1,
 26 1990, and succeeding fiscal years, the remainder of
 27 moneys appropriated in subsection 1 to the department
 28 of education shall be deposited in the educational
 29 excellence fund to be allocated in an amount to meet
 30 the minimum salary requirements of this chapter for
 31 phase I, in an amount of ~~thirty-eight million five~~
 32 ~~hundred thousand dollars to meet the requirements~~ for
 33 phase II, and the remainder of the appropriation for
 34 phase III.”

LARRY MURPHY

S-3212

1 Amend Senate File 362 as follows:

2 1. Page 1, lines 24 and 25, by striking the words
 3 “eighty-two and seventy-five” and inserting the
 4 following: “eighty-three and twenty-five”.

5 2. Page 1, line 31, by striking the words
 6 “eighty-two and seventy-five” and inserting the
 7 following: “eighty-three and twenty-five”.

LARRY MURPHY

S-3213

1 Amend the amendment, S-3211, to Senate File 362 as
 2 follows:

3 1. Page 1, by striking line 6 and inserting the
4 following: "excellence program plus".

LARRY MURPHY

S-3214

1 Amend Senate File 362 as follows:
2 1. Page 83, lines 9 and 10, by striking the words
3 "and the purchase of a single unit of equipment".

RAY TAYLOR
DALE L. TIEDEN

S-3215

1 Amend the amendment, S-3196, to Senate File 362 as
2 follows:
3 1. Page 1, by striking lines 2 through 11 and
4 inserting the following:
5 "___ . Page 27, lines 29 and 30, by striking the
6 words "elect by resolution to receive" and inserting
7 the following: "call an election to vote on the
8 proposition whether to provide".
9 ___ . Page 27, line 31, by inserting after the
10 word "years." the following: "Prior to calling the
11 election, the"."
12 2. Page 1, by inserting after line 12 the
13 following:
14 "___ . Page 28, by inserting after line 2 the
15 following:
16 "The board of directors shall direct the county
17 commissioner of elections to submit the question of
18 whether to participate in the instructional support
19 program to the qualified electors residing in the
20 district at a regular school election or special
21 election held not later than December 1. If a
22 majority of those voting on the question favors
23 participating in the instructional support program,
24 the board may certify the budget for the program to
25 the department of management for each of the next five
26 years.
27 If the voters do not approve participation in the
28 instructional support program, the school district's
29 authority to receive additional funding for the
30 program ends on June 30 of the next following budget
31 year."
32 ___ . Page 28, line 3, by striking the word

- 33 "Certification" and inserting the following: "After
34 approval at an election, certification".
35 3. Page 1, by inserting after line 33 the
36 following:
37 "___ . Page 28, line 26, by striking the words
38 "for a budget year" and inserting the following: "at
39 an election".
40 4. By striking page 3, line 38, through page 4,
41 line 7, and inserting the following:
42 "___ . Page 29, by striking lines 6 through 22.
43 ___ . Page 29, by striking line 26 and inserting
44 the following: "section 257.19."
45 5. By renumbering as necessary.

EMIL J. HUSAK
JACK RIFE
KEN SCOTT

S-3216

- 1 Amend Senate File 362 as follows:
2 1. Page 1, lines 24 and 25, by striking the words
3 "eighty-two and seventy-five" and inserting the
4 following: "eighty-three and twenty-five".
5 2. Page 1, line 31, by striking the words
6 "eighty-two and seventy-five" and inserting the
7 following: "eighty-three and twenty-five".
8 3. Page 45, line 23, by striking the words
9 "twenty-five hundredths" and inserting the following:
10 "five-tenths".
11 4. Page 45, lines 25 and 26, by striking the
12 words "eighty-two and five-tenths" and inserting the
13 following: "eighty-three".

LARRY MURPHY

S-3217

- 1 Amend Senate File 362 as follows:
2 1. Page 24, line 17, by striking the word "If"
3 and inserting the following: "For the budget years
4 beginning July 1, 1991, July 1, 1992, and July 1,
5 1993, if".

JOY CORNING
BOB M. CARR
AL STURGEON

S-3218

- 1 Amend Senate File 362 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. 1987 Iowa Acts, chapter 224, section
- 5 81, is repealed."
- 6 2. Title page, by striking lines 2 through 7 and
- 7 inserting the following: "districts and area
- 8 education agencies."

JACK RIFE

S-3219

- 1 Amend amendment, S-3198, to Senate File 362 as
- 2 follows:
- 3 1. Page 1, line 22, by inserting after the word
- 4 "obtained." the following: "If the voters do not
- 5 approve participation in the instructional support
- 6 program, the school district shall not receive an
- 7 allocation from appropriations in section 257.19;
- 8 section 257.22, subsection 8; or section 257.32 even
- 9 though the district is otherwise entitled to an
- 10 allocation under any or all of those sections."

LARRY MURPHY

S-3220

- 1 Amend Senate File 362 as follows:
- 2 1. Page 27, by striking lines 3 through 25.

JULIA GENTLEMAN

S-3221

- 1 Amend Senate File 362 as follows:
- 2 1. Page 32, by inserting after line 12 the
- 3 following:
- 4 "____. For each of the budget years beginning July
- 5 1, 1991, July 1, 1992, July 1, 1993, and July 1, 1994,
- 6 the committee may establish a modified allowable
- 7 growth for those school districts that used an in-
- 8 crease in allowable growth for the budget year
- 9 beginning July 1, 1990, for funding gifted and
- 10 talented children programs under section 442.35, Code

11 1989, and will receive less funding by the addition of
 12 twenty dollars to district cost per pupil under
 13 section 257.10. The amount of additional allowable
 14 growth granted by the committee shall not exceed the
 15 difference between the amount of revenues received
 16 from the additional allowable growth for the budget
 17 year beginning July 1, 1990, and the funds that will
 18 be generated for the district for programs for gifted
 19 and talented pupils under section 257.10 for that
 20 budget year. The additional allowable growth granted
 21 by the committee for the budget year beginning July 1,
 22 1994, is permanent.”

MAGGIE TINSMAN
 JULIA GENTLEMAN
 RICHARD F. DRAKE
 RAY TAYLOR
 LARRY MURPHY

S-3222

1 Amend House File 404, as passed by the House, as
 2 follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 “Section 1. Section 368.7, unnumbered paragraphs 2
 6 and 3, Code 1989, are amended to read as follows:
 7 An application for annexation of territory not
 8 within the urbanized area of a city other than the
 9 city to which the annexation is directed must be
 10 approved by resolution of the council which receives
 11 the application. In the discretion of a city council,
 12 the resolution may include a provision for a
 13 transition for the imposition of taxes as provided in
 14 section 368.11, subsection 13. Upon receiving
 15 approval of the council, the city clerk shall file a
 16 copy of the resolution, map, and legal description of
 17 the territory involved with the state department of
 18 transportation. The city clerk shall also file a copy
 19 of the map and resolution with the county recorder and
 20 secretary of state. The annexation is completed upon
 21 acknowledgment by the secretary of state that the
 22 secretary of state has received the map and
 23 resolution.
 24 An application for annexation of territory within
 25 the urbanized area of a city other than the city to
 26 which the annexation is directed must be approved both
 27 by resolution of the council which receives the
 28 application and by the board. In the discretion of a

29 city council, the resolution may include a provision
 30 for a transition for the imposition of taxes as
 31 provided in section 368.11, subsection 13. The
 32 annexation is completed when the board has filed
 33 copies of applicable portions of the proceedings as
 34 required by section 368.20, subsection 2.
 35 Sec. ____ . Section 368.11, Code 1989, is amended by
 36 adding the following new subsection:
 37 NEW SUBSECTION. 13. In the discretion of a city
 38 council, a provision for a transition for the
 39 imposition of city taxes against property within an
 40 annexation area. The provision shall not be more
 41 favorable than the tax exemption formula allowable
 42 under section 427B.3 and shall be applied in the levy
 43 and collection of taxes.”
 44 2. Title page, by striking lines 1 and 2 and
 45 inserting the following: “An Act relating to the
 46 operation of a city, by authorizing a city to provide
 47 for a transition for imposition of city taxes within
 48 an annexed area, by providing for an effective date of
 49 a city incorporation, annexation, discontinuance, or
 50 boundary adjustment proposal.”

Page 2

1 3. By renumbering sections as required.

CALVIN O. HULTMAN

S-3223

1 Amend Senate File 362 as follows:

DIVISION S—3223A

2 1. Page 1, line 4, by striking the figure “1991”
 3 and inserting the following: “1990”.
 4 2. Page 1, line 23, by striking the figure “1991”
 5 and inserting the following: “1990”.

DIVISION S—3223C

6 3. Page 1, lines 24 and 25, by striking the word
 7 “seventy-five” and inserting the following: “fifty”.

DIVISION S—3223A (cont'd.)

8 4. Page 1, line 30, by striking the figure “1991”
 9 and inserting the following: “1990”.

DIVISION S—3223C (cont'd.)

10 5. Page 1, line 31, by striking the word
11 “seventy-five” and inserting the following: “fifty”.

DIVISION S—3223A (cont'd.)

12 6. Page 4, line 22, by striking the figure “1991”
13 and inserting the following: “1990”.
14 7. Page 7, line 15, by striking the figures
15 “1991-1992” and inserting the following: “1990-1991”.
16 8. Page 7, line 17, by striking the figure “1991”
17 and inserting the following: “1990”.
18 9. Page 7, line 20, by striking the figure “1982”
19 and inserting the following: “1984”.
20 10. Page 7, line 29, by striking the figures
21 “1992-1993” and inserting the following: “1991-1992”.
22 11. Page 7, line 31, by striking the figure
23 “1992” and inserting the following: “1991”.
24 12. Page 7, line 33, by striking the word
25 “fifteen” and inserting the following: “five”.
26 13. Page 7, line 35, by striking the word
27 “eighty-five” and inserting the following: “ninety-
28 five”.
29 14. Page 10, line 13, by striking the figure
30 “1990” and inserting the following: “1989”.
31 15. Page 11, line 10, by striking the figures
32 “1991-1992” and inserting the following: “1990-1991”.
33 16. Page 11, line 11, by striking the figure
34 “1991” and inserting the following: “1990”.
35 17. Page 11, line 34, by striking the figure
36 “1989” and inserting the following: “1988”.
37 18. Page 11, line 35, by striking the figure
38 “1990” and inserting the following: “1989”.
39 19. Page 12, line 5, by striking the figure
40 “1991” and inserting the following: “1990”.
41 20. Page 12, line 25, by striking the figures
42 “1992-1993” and inserting the following: “1991-1992”.
43 21. Page 12, line 26, by striking the figure
44 “1992” and inserting the following: “1991”.
45 22. Page 12, line 33, by striking the figure
46 “1986” and inserting the following: “1985”.
47 23. Page 12, by striking line 35 and inserting
48 the following: “budget year or the basic enrollment
49 for the”.
50 24. Page 13, line 7, by inserting after the word

Page 2

DIVISION S—3223A (cont'd.)

- 1 "subsection" the following: "plus ten dollars".
- 2 25. Page 13, line 18, by striking the figures
- 3 "1993-1994" and inserting the following: "1992-1993".
- 4 26. Page 13, line 19, by striking the figure
- 5 "1993" and inserting the following: "1992".
- 6 27. Page 13, line 25, by striking the figure
- 7 "1992" and inserting the following: "1991".
- 8 28. Page 13, line 32, by inserting after the word
- 9 "subsection" the following: "plus thirty-five
- 10 dollars".
- 11 29. Page 13, line 33, by striking the figures
- 12 "1994-1995" and inserting the following: "1993-1994".
- 13 30. Page 13, line 34, by striking the figure
- 14 "1994" and inserting the following: "1993".
- 15 31. Page 14, line 5, by striking the figures
- 16 "1991-1992" and inserting the following: "1990-1991".
- 17 32. Page 14, line 5, by striking the figure
- 18 "1991" and inserting the following: "1990".
- 19 33. Page 14, line 17, by striking the figures
- 20 "1992-1993" and inserting the following: "1991-1992".
- 21 34. Page 14, line 17, by striking the figure
- 22 "1992" and inserting the following: "1991".
- 23 35. Page 14, line 29, by striking the figures
- 24 "1993-1994" and inserting the following: "1992-1993".
- 25 36. Page 14, line 29, by striking the figure
- 26 "1993" and inserting the following: "1992".
- 27 37. Page 15, line 6, by striking the figures
- 28 "1994-1995" and inserting the following: "1993-1994".
- 29 38. Page 15, line 7, by striking the figure
- 30 "1994" and inserting the following: "1993".
- 31 39. Page 15, line 19, by striking the figures
- 32 "1991-1992" and inserting the following: "1990-1991".
- 33 40. Page 15, line 20, by striking the figure
- 34 "1991" and inserting the following: "1990".
- 35 41. Page 15, line 29, by striking the figure
- 36 "1989" and inserting the following: "1988".
- 37 42. Page 15, line 30, by striking the figure
- 38 "1990" and inserting the following: "1989".
- 39 43. Page 16, line 5, by striking the figure
- 40 "1991" and inserting the following: "1990".
- 41 44. Page 16, line 26, by striking the figures
- 42 "1992-1993" and inserting the following: "1991-1992".
- 43 45. Page 16, line 27, by striking the figure
- 44 "1992" and inserting the following: "1991".
- 45 46. Page 16, line 32, by striking the figure
- 46 "1986" and inserting the following: "1985".

- 47 47. Page 16, by striking line 34 and inserting
48 the following: "budget year or the basic enrollment
49 for the".
50 48. Page 17, line 2, by striking the figure

Page 3

DIVISION S—3223A (cont'd.)

- 1 "1992" and inserting the following: "1991".
2 49. Page 17, line 5, by inserting after the
3 figure "3" the following: "plus ten dollars".
4 50. Page 17, line 23, by striking the figures
5 "1993-1994" and inserting the following: "1992-1993".
6 51. Page 17, line 24, by striking the figure
7 "1993" and inserting the following: "1992".
8 52. Page 17, line 29, by striking the figure
9 "1992" and inserting the following: "1991".
10 53. Page 17, line 32, by striking the figure
11 "1993" and inserting the following: "1992".
12 54. Page 17, line 35, by inserting after the
13 figure "4" the following: "plus thirty-five dollars".
14 55. Page 18, line 8, by striking the figures
15 "1994-1995" and inserting the following: "1993-1994".
16 56. Page 18, line 10, by striking the figure
17 "1994" and inserting the following: "1993".
18 57. Page 18, line 16, by striking the figures
19 "1991-1992" and inserting the following: "1990-1991".
20 58. Page 18, line 17, by striking the figure
21 "1991" and inserting the following: "1990".
22 59. Page 18, line 29, by striking the figures
23 "1992-1993" and inserting the following: "1991-1992".
24 60. Page 18, line 30, by striking the figure
25 "1992" and inserting the following: "1991".
26 61. Page 19, line 7, by striking the figures
27 "1993-1994" and inserting the following: "1992-1993".
28 62. Page 19, line 8, by striking the figure
29 "1993" and inserting the following: "1992".
30 63. Page 19, line 20, by striking the figures
31 "1994-1995" and inserting the following: "1993-1994".
32 64. Page 19, line 21, by striking the figure
33 "1994" and inserting the following: "1993".
34 65. Page 20, line 33, by striking the figure
35 "1991" and inserting the following: "1990".
36 66. Page 23, line 16, by striking the figure
37 "1991" and inserting the following: "1990".
38 67. Page 24, line 24, by striking the figure
39 "1991" and inserting the following: "1990".
40 68. Page 24, line 30, by striking the figure
41 "1991" and inserting the following: "1990".

- 42 69. Page 25, line 1, by striking the figures
43 "1991-1992, 1992-1993" and inserting the following:
44 "1990-1991, 1991-1992".
45 70. Page 25, line 2, by striking the figures
46 "1993-1994" and inserting the following: "1992-1993".
47 71. Page 25, line 3, by striking the figure
48 "1991" and inserting the following: "1990".
49 72. Page 25, line 3, by striking the figure
50 "1992" and inserting the following: "1991".

Page 4

DIVISION S—3223A (cont'd.)

- 1 73. Page 25, line 3, by striking the figure
2 "1993" and inserting the following: "1992".
3 74. Page 25, line 24, by striking the figures
4 "1994-1995" and inserting the following: "1993-1994".
5 75. Page 25, line 25, by striking the figure
6 "1994" and inserting the following: "1993".
7 76. Page 27, line 24, by striking the figure
8 "1993" and inserting the following: "1992".
9 77. Page 27, line 28, by striking the figure
10 "1991" and inserting the following: "1990".

DIVISION S—3223B

- 11 78. Page 29, line 6, by striking the figure
12 "1993" and inserting the following: "1992".

DIVISION S—3223A (cont'd.)

- 13 79. Page 31, line 3, by striking the figure
14 "1992" and inserting the following: "1991".
15 80. Page 31, line 13, by striking the figure
16 "1996" and inserting the following: "1995".
17 81. Page 32, line 28, by striking the figure
18 "1992" and inserting the following: "1991".
19 82. Page 33, line 13, by striking the figure
20 "1991" and inserting the following: "1990".
21 83. Page 38, line 26, by striking the figure
22 "1991" and inserting the following: "1990".
23 84. Page 45, line 5, by striking the figure
24 "1991" and inserting the following: "1990".
25 85. Page 45, line 5, by striking the figure
26 "1992" and inserting the following: "1991".
27 86. Page 45, line 5, by striking the figure
28 "1993" and inserting the following: "1992".
29 87. Page 45, line 16, by striking the figure
30 "1990" and inserting the following: "1989".

- 31 88. Page 45, line 17, by striking the figure
32 "1991" and inserting the following: "1990".
33 89. Page 45, line 17, by striking the figure
34 "1992" and inserting the following: "1991".

DIVISION S—3223C (cont'd.)

- 35 90. Page 45, by striking lines 24 through 26 and
36 inserting the following: "percent of the state cost
37 per pupil."

DIVISION S—3223A (cont'd.)

- 38 91. Page 64, line 27, by striking the figure
39 "1991" and inserting the following: "1990".
40 92. Page 66, line 14, by striking the figure
41 "1990" and inserting the following: "1989".

DIVISION S—3223C (cont'd.)

- 42 93. Page 74, line 9, by striking the figure
43 "1991" and inserting the following: "1990".

DIVISION S—3223A (cont'd.)

- 44 94. Page 75, line 30, by striking the figure
45 "1991" and inserting the following: "1990".

DIVISION S—3223C (cont'd.)

- 46 95. Page 77, line 3, by striking the figure
47 "1991" and inserting the following: "1990".
48 96. Page 77, line 10, by striking the figure
49 "1991" and inserting the following: "1990".
50 97. Page 77, line 17, by striking the figure

Page 5

DIVISION S—3223C (cont'd.)

- 1 "1991" and inserting the following: "1990".

DIVISION S—3223A (cont'd.)

- 2 98. Page 77, line 27, by striking the figure
3 "1991" and inserting the following: "1990".
4 99. Page 78, line 35, by striking the figure
5 "1991" and inserting the following: "1990".
6 100. Page 79, line 2, by striking the figure
7 "1991" and inserting the following: "1990".

- 8 101. Page 82, line 17, by striking the figure
 9 "1991" and inserting the following: "1990".
- 10 102. Page 88, line 28, by striking the figure
 11 "1991" and inserting the following: "1990".
- 12 103. Page 89, by striking lines 14 through 26.
- 13 104. Page 89, by inserting before line 27 the
 14 following:
 15 "Sec. ____ . 1987 Iowa Acts, chapter 224, section
 16 81, is repealed."
- 17 105. Page 89, line 27, by striking the words and
 18 figures "Chapter 260A, Code 1989, is" and inserting
 19 the following: "Chapters 260A and 442, Code 1989,
 20 are".
- 21 106. Page 89, line 28, by striking the figure
 22 "1991" and inserting the following: "1990".
- 23 107. Page 89, line 30, by striking the figure
 24 "1991" and inserting the following: "1990".
- 25 108. Page 89, line 31, by striking the figure
 26 "1991" and inserting the following: "1989".
- 27 109. Page 90, by striking lines 3 and 4.
- 28 110. Page 90, line 7, by striking the figure
 29 "1990" and inserting the following: "1989".
- 30 111. Page 90, line 10, by striking the figure
 31 "1991" and inserting the following: "1990".
- 32 112. Page 90, line 12, by inserting after the
 33 figure "57," the following: "59,".
- 34 113. Page 90, line 14, by striking the figure
 35 "1991" and inserting the following: "1990".

CALVIN O. HULTMAN
 RAY TAYLOR
 RICHARD F. DRAKE

S-3224

- 1 Amend Senate File 362 as follows:
- 2 1. Page 3, lines 16 and 17, by striking the words
 3 "five dollars and forty cents" and inserting the
 4 following: "three dollars and thirty cents".
- 5 2. Page 3, by striking lines 20 through 25 and
 6 inserting the following:
 7 "2. ADJUSTMENT OF TAX. For the budget year
 8 beginning July 1, 1992, and each succeeding budget
 9 year, if the foundation property tax revenues
 10 collected during the base year are less than or
 11 greater than the property tax revenues collected
 12 during the year preceding the base year, the
 13 department of management shall increase or decrease
 14 the foundation property tax levied for the base year

15 such that the estimated revenues collected during the
16 budget year will equal the revenues collected during
17 the base year.”

18 3. Page 26, by inserting after line 1 the
19 following:

20 “___ . PROPERTY TAX ADJUSTMENT AID FOR 1992-1993
21 AND SUCCEEDING YEARS. For the budget year beginning
22 July 1, 1992, and each succeeding budget year, the
23 department of education shall pay property tax adjust-
24 ment aid to a school district as provided in this
25 subsection. If the estimated amount of property tax
26 revenues to be collected during the budget year under
27 this chapter will exceed the amount of property tax
28 revenues collected during the base year under this
29 chapter by a percentage sum equal to the percent
30 increase in the consumer price index, published by the
31 United States department of labor, during the calendar
32 year ending prior to the budget year plus the percent
33 increase in the school district's real property
34 valuations, due to additions and deletions, on January
35 1 of the calendar year in which the budget year begins
36 over those valuations on January 1 of the calendar
37 year in which the base year began, the dollar amount
38 of this excess shall be the district's property tax
39 adjustment aid. The department of management shall
40 reduce the foundation property tax such that the
41 amount of property tax revenues collected under this
42 chapter shall not exceed the sum of those percentage
43 increases. For purposes of this chapter and other
44 chapters, the adjustment to the foundation property
45 tax under this subsection shall be disregarded.”

46 4. Page 85, by inserting after line 27 the
47 following:

48 “Sec. 150. Section 422.9, subsection 1, Code 1989,
49 is amended to read as follows:

50 1. An optional standard deduction, after deduction

Page 2

1 of one-half of the federal income tax, equal to one
2 thousand two hundred thirty dollars for a married
3 person who files separately or a single person or
4 equal to three thousand thirty dollars for a husband
5 and wife who file a joint return, a surviving spouse,
6 or an unmarried head of household. The optional
7 standard deduction shall not exceed the amount
8 remaining after deduction of one-half of the federal
9 income tax.

10 However, for tax years beginning on or after
11 January 1, 1990, but before January 1, 1991, deduct

12 the total amount of federal income tax paid during the
13 tax year for the previous tax year. Federal income
14 tax paid in estimated tax payments during the tax year
15 for the previous tax year shall not be deducted. For
16 tax years beginning on or after January 1, 1990, but
17 before January 1, 1991, add the total amount of
18 federal income tax refund received during the tax year
19 to the extent that the federal income tax that was
20 refunded had been deducted on a return for a tax year
21 beginning prior to January 1, 1990. Married persons
22 who have filed a joint federal income tax return and
23 who have filed separate state returns shall divide the
24 federal income tax paid or the federal income tax
25 refund between the spouses in the ratio of the federal
26 adjusted gross income of each spouse to the adjusted
27 gross income of both spouses for the tax year which
28 resulted in the income tax payment or the income tax
29 refund.

30 Sec. 151. Section 422.9, subsection 2, paragraph
31 b, Code 1989, is amended to read as follows:

32 b. Add one-half of the amount of federal income
33 taxes paid or accrued as the case may be, during the
34 tax year, adjusted by one-half of any federal income
35 tax refunds. Provided, however, that where married
36 persons, who have filed a joint federal income tax
37 return, file separately, ~~such~~ the total shall be
38 divided between them according to the portion thereof
39 paid or accrued, as the case may be, by each.

40 For tax years beginning on or after January 1,
41 1990, but before January 1, 1991, add the total amount
42 of federal income tax paid during the tax year for the
43 previous tax year except for federal income tax paid
44 in estimated tax payments. For tax years beginning on
45 or after January 1, 1990, but before January 1, 1991,
46 subtract the total amount of federal income tax refund
47 received during the tax year to the extent that the
48 federal income tax that was refunded had been deducted
49 on a return for a tax year beginning prior to January
50 1, 1990. Married persons who have filed a joint

Page 3

1 federal income tax return and who have filed separate
2 state returns shall divide the federal income tax paid
3 or the federal income tax refund between the spouses
4 in the ratio of the federal adjusted gross income of
5 each spouse to the adjusted gross income of both
6 spouses for the tax year which resulted in the income
7 tax payment or the income tax refund.”

8 5. Page 89, by inserting after line 26 the
 9 following:
 10 "Sec. ____ . Sections 150 and 151 of this Act take
 11 effect January 1, 1990, for the years beginning on or
 12 after that date."

BERL PRIEBE
 EMIL HUSAK
 ALVIN MILLER
 KEN SCOTT
 LARRY MURPHY
 JOHN A. PETERSON
 DALE L. TIEDEN
 RICHARD VANDEHOEF
 LEONARD L. BOSWELL
 JOHN P. KIBBIE
 JAMES RIORDAN
 DON GETTINGS
 C. JOSEPH COLEMAN
 EUGENE FRAISE

S-3225

1 Amend Senate File 362 as follows:
 2 1. Page 81, line 18, by striking the word "of"
 3 and inserting the following: "consisting of a
 4 property tax levy".
 5 2. Page 81, line 20, by inserting after the word
 6 "district" the following: "and an income surtax not
 7 exceeding fifteen percent, in increments of one
 8 percent".
 9 3. Page 81, line 33, by inserting after the word
 10 "election." the following: "The ballot proposition
 11 shall contain the question of whether to impose the
 12 levy and shall specify the rate of the property tax
 13 levy and the percentage rate of the income surtax that
 14 will be imposed. The board of directors shall set the
 15 rates and may decide not to impose the income surtax
 16 which decision shall be indicated on the ballot. If
 17 the board of directors decides to impose the income
 18 surtax the maximum amount of the property tax levy in
 19 subsection 1 shall be lowered by an amount such that
 20 the estimated amount of revenues to be received from
 21 the lowered property tax levy and the income surtax
 22 will equal the estimated amount of revenues that would
 23 have been received if the maximum property tax levy in
 24 subsection 1 were imposed."
 25 4. Page 82, line 20, by striking the word "levy"
 26 and inserting the following: "property tax levy, in

27 subsection 1 or subsection 3, as applicable,”
 28 5. Page 82, by inserting after line 22 the
 29 following:
 30 “—. The income surtax shall be imposed on the
 31 state individual income tax for the calendar year
 32 during which the school’s budget year begins, or for a
 33 taxpayer’s fiscal year ending during the second half
 34 of that calendar year or the first half of the
 35 succeeding calendar year, and shall be imposed on all
 36 individuals residing in the school district on the
 37 last day of the applicable tax year. As used in this
 38 section, “state individual income tax” means the tax
 39 computed under section 422.5, less the deductions
 40 allowed in sections 422.10 through 422.12.
 41 —. The director of revenue and finance shall
 42 administer the income surtax imposed under this
 43 section, and sections 422.20, 422.22 to 422.31,
 44 422.68, and 422.72 to 422.75 shall apply in respect to
 45 administration of the income surtax.
 46 The income surtax shall be made a part of the Iowa
 47 individual income tax return subject to the conditions
 48 and restrictions set forth in section 422.21.
 49 —. The director of revenue and finance shall
 50 deposit all moneys received from the income surtax

Page 2

1 imposed under this section to the credit of each
 2 district from which the moneys are received, in a
 3 “physical plant and equipment income surtax fund”
 4 which is established in the office of the treasurer of
 5 state.
 6 The director of revenue and finance shall deposit
 7 all income surtax moneys received on or before
 8 November 1 of the year following the close of the
 9 school budget year for which the surtax is imposed to
 10 the credit of each district from which the moneys are
 11 received in the physical plant and equipment income
 12 surtax fund. All income surtax moneys received or
 13 refunded after November 1 of the year following the
 14 close of the school budget year for which the surtax
 15 is imposed shall be deposited in or withdrawn from the
 16 general fund of the state and shall be considered part
 17 of the cost of administering the income surtax.
 18 —. On or before October 20 each year, the
 19 director of revenue and finance shall make an
 20 accounting of the income surtax collected under this
 21 section applicable to tax returns for the last
 22 preceding calendar year, or for fiscal year taxpayers,
 23 on the last day of their tax year ending during that

24 calendar year and after the date of the election
 25 approving the surtax, from taxpayers in each school
 26 district in the state which has approved the income
 27 surtax, and shall certify to the department of
 28 management and the department of education the amount
 29 of income surtax credited from the taxpayers of each
 30 school district. Additional returns in process, if
 31 any, at the time of certification shall be completed
 32 and the additional amount of income surtax reported to
 33 the department of management for distribution back to
 34 the school district with the first installment of the
 35 following school year.
 36 — . The director of revenue and finance shall
 37 draw warrants in payment of the amount of income
 38 surtax payable to each of the school districts in two
 39 installments to be paid on approximately the first day
 40 of December and the first day of February, and shall
 41 cause the warrants to be delivered to the respective
 42 school districts.”

RICHARD VARN
 LARRY MURPHY
 BERL E. PRIEBE
 JAMES RIORDAN
 BEVERLY HANNON
 LEONARD L. BOSWELL
 EMIL J. HUSAK

S-3226

1 Amend Senate File 362 as follows:
 2 1. Page 27, line 6, by inserting after the word
 3 “payment.” the following: “However, if a school
 4 district has held an election on the proposition
 5 whether to adopt the instructional support program and
 6 the proposition failed, that school district is not
 7 eligible to receive a size adjustment payment under
 8 this section for five years or the adoption of the
 9 proposition at an election, whichever is earlier.”
 10 2. Page 33, line 21, by inserting after the word
 11 “transported.” the following: “However, if a school
 12 district has held an election on the proposition
 13 whether to adopt the instructional support program and
 14 the proposition failed, that school district is not
 15 eligible to receive transportation assistance aid
 16 under this subsection for five years or the adoption
 17 of the proposition at an election, whichever is
 18 earlier.”
 19 3. Page 44, line 35, by inserting after the word

20 "year." the following: "However, if a school district
21 has held an election on the proposition whether to
22 adopt the instructional support program and the
23 proposition failed, that school district is not
24 eligible to receive moneys under this section for five
25 years or the adoption of the proposition at an
26 election, whichever is earlier."

LARRY MURPHY

S-3227

1 Amend the Priebe et al amendment, S-3224, to Senate
2 File 362 as follows:
3 1. Page 1, by striking lines 2 through 17 and
4 inserting the following:
5 "___ . Page 3, line 20, by inserting after the
6 word "LEVIIES." the following:
7 "a."
8 ___ . Page 3, by inserting after line 25 the
9 following:
10 "b. The department of revenue and finance shall
11 estimate on April 15 preceding each budget year the
12 amount of state individual income tax revenues that
13 will be collected as a result of allowing only one-
14 half of the federal individual income tax paid to be
15 deducted for the tax years beginning in the preceding
16 calendar year. This estimated amount shall be
17 adjusted by the difference in the estimated amount
18 made the previous April 15 and the actual amount
19 received. The department of revenue and finance shall
20 notify the department of management of the adjusted
21 amount and the department of management shall reduce
22 the foundation property tax by an amount such that the
23 sum of the property tax revenues collected from the
24 reduced foundation property tax plus the adjusted
25 amount of individual income tax revenues equals the
26 amount of foundation property tax revenues that would
27 be collected from a five dollar and forty cent levy.
28 This reduced foundation property tax is the uniform
29 levy for the budget year and the amount of such
30 individual income tax revenues shall be distributed to
31 the school districts based upon the reduced revenues
32 as a result of the reduced foundation property tax
33 revenues.""
34 2. Page 3, by inserting after line 7 the
35 following:
36 "___ . Page 86, by inserting after line 5 the
37 following:

38 "Sec. ____ . Section 422.21, unnumbered paragraph 3,
 39 Code 1989, is amended to read as follows:
 40 The department shall provide space on the
 41 prescribed income tax form, wherein the taxpayer shall
 42 enter the name of the school district of the
 43 taxpayer's residence. Such place shall be indicated
 44 by prominent type. A nonresident taxpayer shall so
 45 indicate. If such information is not supplied on the
 46 tax return it shall be deemed an incompleated return.
 47 The county treasurer shall also provide a statement
 48 informing the taxpayer that the taxpayer's property
 49 tax is reduced because of the change in the
 50 deductibility of federal income tax paid."

BERL E. PRIEBE
 JOHN E. SOORHOLTZ

S-3228

1 Amend Senate File 309 as follows:
 2 1. Page 6, by inserting after line 24, the
 3 following:
 4 "Sec. ____ . Section 633.679, Code 1989, is amended
 5 to read as follows:
 6 633.679 PETITION TO TERMINATE.
 7 At any time, ~~not less than six months~~ after the
 8 appointment of a guardian or conservator, the person
 9 under guardianship or conservatorship may apply to the
 10 court by petition, alleging that the person is no
 11 longer a proper subject thereof, and asking that the
 12 guardianship or conservatorship be terminated."
 13 2. Renumber as necessary.

COMMITTEE ON JUDICIARY
 DONALD V. DOYLE, Chairperson

S-3229

1 Amend Senate File 362 as follows:
 2 1. Page 32, by inserting after line 27 the
 3 following:
 4 "____ . At the request of a school district, the
 5 committee may establish a modified allowable growth
 6 for that district by increasing its allowable growth
 7 on a permanent basis when the district cost per pupil
 8 of the district is lower than the state cost per pupil
 9 and the school district presents evidence that the
 10 educational program of the school district is

11 adversely affected by the lower authorized
 12 expenditures. For the first budget year after the
 13 request is granted, the committee may grant additional
 14 allowable growth in an amount that shall increase
 15 district cost per pupil by one-third of the difference
 16 between the district cost per pupil and the state cost
 17 per pupil. For the second budget year, the committee
 18 may grant additional allowable growth in an amount
 19 that will increase district cost per pupil by one-half
 20 of the remaining difference. For the third budget
 21 year the committee may grant additional allowable
 22 growth so that district cost per pupil equals state
 23 cost per pupil. The committee shall not grant
 24 additional allowable growth in excess of the funding
 25 required for the district cost per pupil to equal the
 26 state cost per pupil.”

JEAN LLOYD-JONES

S-3230

1 Amend Senate File 362 as follows:

DIVISION S—3230A

2 1. Page 27, by inserting after line 13 the
 3 following:
 4 “However, a school district is not eligible to
 5 receive a payment under this section if the average
 6 class size for regular programs in grades kindergarten
 7 through sixth grade in the district, exclusive of
 8 special education classes and classes for at-risk
 9 students, is fewer than fifteen.”

DIVISION S—3230B

10 2. Page 27, line 22, by inserting after the word
 11 “payments.” the following:
 12 “If any amount of the appropriation is left at the
 13 end of a fiscal year, the department shall distribute
 14 it pro rata to school districts with classes, in
 15 grades kindergarten through sixth grade, which exceed
 16 twenty-five students in size, to assist those
 17 districts to reduce the size of those classes. The
 18 moneys shall be distributed to each such district in
 19 the proportion that the district’s number of students
 20 in classes, in grades kindergarten through sixth
 21 grade, which exceed twenty-five students in size is to

22 the total number of students in such classes in all
23 districts.”

MICHAEL E. GRONSTAL

S-3231

1 Amend amendment, S-3196, to Senate File 362 as
2 follows:
3 1. Page 2, line 4, by inserting after the word
4 “tax” the following: “, corporate income tax, and
5 franchise tax”.
6 2. Page 2, line 11, by inserting after the word
7 “tax” the following: “, state corporate income tax,
8 and the state franchise tax”.
9 3. Page 2, line 17, by inserting after the word
10 “district” the following: “, on all corporations
11 whose main office is located within the district, and
12 on all financial institutions with an office located
13 within the district”.
14 4. Page 2, line 21, by inserting after the figure
15 “422.12” the following: “, “state corporate income
16 tax” means the tax computed under section 422.33, and
17 “state franchise tax” means the tax computed under
18 section 422.63”.
19 5. Page 2, line 27, by striking the figure
20 “422.31,” and inserting the following: “422.14,
21 422.60 to 422.63,”.
22 6. Page 2, line 33, by inserting after the word
23 “tax” the following: “, corporate income tax, and
24 franchise tax”.

WALLY HORN

S-3232

1 Amend the amendment, S-3196, to Senate File 362, as
2 follows:
3 1. Page 1, by inserting after line 1 the
4 following:
5 “— . Page 27, line 6, by inserting after the
6 word “payment.” the following: “However, if a school
7 district has held an election on the proposition
8 whether to adopt the instructional support program and
9 the proposition failed, that school district is not
10 eligible to receive a size adjustment payment under
11 this section for five years or the adoption of the

12 proposition at an election, whichever is earlier.””

13 2. Page 4, by inserting after line 7 the
14 following:

15 “___ . Page 33, line 21, by inserting after the
16 word “transported.” the following: “However, if a
17 school district has held an election on the
18 proposition whether to adopt the instructional support
19 program and the proposition failed, that school
20 district is not eligible to receive transportation
21 assistance aid under this subsection for five years or
22 the adoption of the proposition at an election,
23 whichever is earlier.”

24 ___ . Page 44, line 35, by inserting after the
25 word “year.” the following: “However, if a school
26 district has held an election on the proposition
27 whether to adopt the instructional support program and
28 the proposition failed, that school district is not
29 eligible to receive moneys under this section for five
30 years or the adoption of the proposition at an
31 election, whichever is earlier.””

LARRY MURPHY

S-3233

1 Amend Senate File 362 as follows:

2 1. Page 29, line 33, by inserting after the word
3 “terms” the following: “beginning and ending as
4 provided in section 69.19”.

5 2. Page 29, line 35, by inserting after the word
6 “confirmation” the following: “as provided in section
7 2.32”.

PAT DELUHERY
LARRY MURPHY
JOY CORNING

S-3234

1 Amend Senate File 362 as follows:

2 1. Page 12, line 12, by inserting before the word
3 “twenty” the words “the total of”.

4 2. Page 12, line 12, by inserting after the word
5 “dollars” the following: “times one hundred percent
6 plus the state percent of growth for the budget year”.

7 3. Page 12, lines 13 and 14, by striking the
8 words “implementing new educational standards and
9 other educational program needs of school districts”

10 and inserting the words "providing programs for gifted
11 and talented pupils".

12 4. Page 16, line 14, by inserting after the word
13 "dollars" the following: "times one hundred percent
14 plus the state percent of growth for the budget year".

15 5. Page 16, line 23, by inserting after the word
16 "dollars" the following: "times one hundred percent
17 plus the state percent of growth for the budget year".

18 6. Page 16, lines 23 through 25, by striking the
19 words "implementing new educational standards and
20 other educational program needs of school districts."
21 and inserting the following: "providing programs for
22 gifted and talented pupils."

23 7. Page 89, line 20, by striking the word "six"
24 and inserting the following: "sixteen".

25 8. Page 89, line 23, by inserting after the word
26 "year." the following: "From the moneys appropriated
27 in this section, ten million dollars shall be
28 allocated for programs for gifted and talented
29 pupils."

30 9. Page 89, by inserting after line 28 the
31 following:

32 "Sec. ____ . Sections 442.31 through 442.36, Code
33 1989, are repealed effective July 1, 1990."

MAGGIE TINSMAN
LARRY MURPHY

S-3235

1 Amend amendment, S-3196, to Senate File 362 as
2 follows:

3 1. Page 2, line 21, by inserting after the figure
4 "422.12." the following: "However, if the resident
5 has a child that under open enrollment is attending
6 school in another district and that district has
7 imposed an income surtax, the resident is liable for
8 the income surtax imposed by the other school district
9 and all surtax paid shall be credited to the account
10 of that district. The resident shall receive a credit
11 for the income surtax paid in the other school
12 district for the income surtax imposed in the
13 resident's school district. The amount of excess
14 credit is not refundable."

CHARLES BRUNER

S-3236

- 1 Amend Senate File 362 as follows:
 2 1. Page 17, by striking lines 24 through 33 and
 3 inserting the following:
 4 "The regular program district cost per pupil for
 5 each school district shall be equal to the state cost
 6 per pupil for the budget year beginning July 1, 1993.
 7 The regular program district cost per pupil for the
 8 budget year beginning July 1, 1993, shall be added to
 9 the".

JOY CORNING

S-3237

- 1 Amend Senate File 362 as follows:
 2 1. Page 27, line 6, by inserting after the word
 3 "payment" the following: "if the school district
 4 demonstrates to the school budget review committee
 5 that it has a low enrollment because of the sparsity
 6 of its population, the geographic size of the
 7 district, topographical factors, logistics of
 8 transportation, alliances of other districts that have
 9 limited the opportunities of the district."

JOY CORNING

S-3238

- 1 Amend Senate File 362 as follows:
 2 1. Page 89, by inserting after line 28, the
 3 following:
 4 "Sec. ____ . Chapter 257, Code 2001, is repealed
 5 July 1, 2001."

LARRY MURPHY

S-3239

- 1 Amend Senate File 362 as follows:
 2 1. Page 46, by inserting after line 29 the
 3 following:
 4 "Sec. ____ . NEW SECTION. 388.9 PAYMENT IN LIEU OF
 5 PROPERTY TAXES.
 6 A city which owns a gas or electric utility shall
 7 annually pay out of the revenue from the utility a

8 payment in lieu of property taxes on all property
9 owned by the utility which would have been subject to
10 the levy of property taxes had the property been owned
11 by a private individual or corporation. The assessed
12 value of the property shall be determined under
13 section 427.1, subsection 31, and the utility may
14 protest the assessed value in the manner provided by
15 law for any property owner to protest an assessment.
16 The assessed value of the property shall be included
17 in any summation of valuations in the taxing district
18 for all purposes known to the law. For the purposes
19 of chapter 257, payments made pursuant to this section
20 shall be considered as property taxes and not as
21 miscellaneous income. The county treasurer shall
22 certify to the utility the payments due and the
23 payments shall be made annually to the county
24 treasurer.

25 This section does not apply to a city-owned
26 property operated by a city as a gas or electric
27 utility on or before July 1, 1989."

28 2. By renumbering sections as necessary.

JEAN LLOYD-JONES

HOUSE AMENDMENT TO
SENATE FILE 170

S-3240

1 Amend Senate File 170, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "Sec. ____ . Section 20.4, subsection 9, Code 1989,
6 is amended to read as follows:

7 9. Persons employed by the state department of
8 justice, except nonsupervisory employees of the
9 consumer advocate division who are employed primarily
10 for the purpose of performing technical analysis of
11 nonlegal issues."

12 2. Page 2, by striking lines 2 and 3, and insert-
13 ing the following:

14 "1. Except as provided in subsection 2 of this
15 section, this Act takes effect July 1, 1989."

16 3. By numbering and renumbering as necessary.

S-3241

1 Amend Senate File 362 as follows:
 2 1. Page 27, line 6, by inserting after the word
 3 "payment" the following: "if the administrative
 4 expenditures of the school district as a percent of
 5 the school district's operating fund for the base year
 6 are equal to or less than one hundred ten percent of
 7 the average of the base year administrative
 8 expenditures of school districts as a percent of their
 9 operating funds".

RICHARD J. VARN

S-3242

1 Amend Senate File 363 as follows:
 2 1. Page 9, line 33, by striking the word
 3 "Clarinda" and inserting the following: "Newton".
 4 2. Page 18, lines 23 and 24, by striking the
 5 words "north of Des Moines street" and inserting the
 6 following: "in the vicinity of the old historical
 7 building".
 8 3. Page 18, line 35, by striking the words "north
 9 of Des Moines street" and inserting the following:
 10 "in the vicinity of the old historical building".

MICHAEL E. GRONSTAL

S-3243

1 Amend Senate File 369 as follows:
 2 1. Page 1, by inserting after line 10 the follow-
 3 ing:
 4 "The funds appropriated in this section shall be
 5 allocated to each area school as follows:
 6 1. Merged Area I \$ 556,520
 7 2. Merged Area II \$ 691,112
 8 3. Merged Area III \$ 648,040
 9 4. Merged Area IV \$ 318,356
 10 5. Merged Area V \$ 722,663
 11 6. Merged Area VI \$ 722,562
 12 7. Merged Area VII \$ 959,513
 13 8. Merged Area IX \$ 987,051
 14 9. Merged Area X \$ 1,580,166
 15 10. Merged Area XI \$ 1,527,996
 16 11. Merged Area XII \$ 717,928

AMENDMENTS FILED

2313

17	12. Merged Area XIII	.....	\$	745,086
18	13. Merged Area XIV	.....	\$	315,738
19	14. Merged Area XV	.....	\$	936,603
20	15. Merged Area XVI	.....	\$	570,666
21	Sec. ____ . 1988 Iowa Acts, chapter 1284, section 34, subsec-			
22	tion 1, is amended to read as follows:			
23	1. For state financial aid to merged areas the amount of			
24	twenty-three eleven million fifty-five thousand three hundred			
25	fifty-six (23,055,356) dollars, to be accrued as income and used			
26	for expenditures incurred by the area schools during the fiscal			
27	year beginning July 1, 1988, and ending June 30, 1989, to be			
28	allocated to each area school as follows:			
29	a. Merged Area I	.....	\$	<u>1,069,231</u>
30				<u>512,711</u>
31	b. Merged Area II	.....	\$	<u>1,327,820</u>
32				<u>636,708</u>
33	c. Merged Area III	.....	\$	<u>1,245,067</u>
34				<u>597,027</u>
35	d. Merged Area IV	.....	\$	<u>611,651</u>
36				<u>293,295</u>
37	e. Merged Area V	.....	\$	<u>1,388,438</u>
38				<u>665,775</u>
39	f. Merged Area VI	.....	\$	<u>1,388,244</u>
40				<u>665,682</u>
41	g. Merged Area VII	.....	\$	<u>1,843,493</u>
42				<u>883,980</u>
43	h. Merged Area IX	.....	\$	<u>1,896,400</u>
44				<u>909,349</u>
45	i. Merged Area X	.....	\$	<u>2,035,941</u>
46				<u>1,455,775</u>
47	j. Merged Area XI	.....	\$	<u>2,935,708</u>
48				<u>1,407,712</u>
49	k. Merged Area XII	.....	\$	<u>1,379,340</u>
50				<u>661,412</u>

Page 2

1	l. Merged Area XIII	.....	\$	<u>1,431,518</u>
2				<u>686,432</u>
3	m. Merged Area XIV	.....	\$	<u>606,620</u>
4				<u>290,882</u>
5	n. Merged Area XV	.....	\$	<u>1,799,477</u>
6				<u>862,874</u>
7	o. Merged Area XVI	.....	\$	<u>1,096,408</u>
8				<u>525,742</u>

9 2. Page 1, by inserting after line 25 the
 10 following:

11 "Sec. ____ . The auditor of state shall be
 12 reimbursed for performing examinations of the
 13 department of commerce, the Iowa public employees'

14 retirement system, and federal financial assistance,
15 as defined in Pub. L. No. 98-502, during the fiscal
16 year beginning July 1, 1988, and ending June 30,
17 1989.”

18 3. Title page, line 5, by inserting after the
19 word “funds,” the following: “requiring reimbursement
20 for the auditor of state.”

JOE WELSH

S-3244

1 Amend Senate File 402 as follows:

2 1. Page 1, line 14, by inserting after the word
3 “society,” the following: “the Iowa speech, language,
4 and hearing association.”

ELAINE SZYMONIAK

S-3245

1 Amend Senate File 363 as follows:

2 1. Page 19, by inserting after line 26 the
3 following:
4 “Sec. ____ . Notwithstanding any other provision,
5 section 422.4, subsection 17, paragraph “d”, does not
6 apply for purposes of determining the annual and
7 cumulative inflation factors for tax years beginning
8 in the 1989 calendar year.”

CALVIN O. HULTMAN

S-3246

1 Amend Senate File 410 as follows:

2 1. Page 1, by inserting after line 17 the follow-
3 ing:

4 “Sec. 2. This Act, being deemed of immediate
5 importance, takes effect upon enactment.”

6 2. Title page, line 3, by inserting after the
7 word “infection” the following: “and providing an
8 effective date”.

BEVERLY A. HANNON

S-3247

1 Amend Senate File 363 as follows:

DIVISION S—3247A

2 1. Page 17, line 31, by inserting before the word
3 “In” the following: “From the funds appropriated by
4 this section, the state department of transportation
5 may award grants of up to fifty thousand dollars per
6 airport, to implement marketing, advertising, and
7 public relations programs to increase passenger
8 traffic by educating the public on the value of
9 community airline airports.”

DIVISION S—3247B

10 2. Page 18, by striking lines 6 and 7 and
11 inserting the following: “this section.”

JIM LIND

S-3248

1 Amend Senate File 363 as follows:

2 1. Page 18, by striking lines 21 and 22, and
3 inserting the following: “legislative staff, public
4 meeting rooms,”.

JIM LIND

S-3249

1 Amend Senate File 363 as follows:

2 1. Page 19, by inserting after line 26 the
3 following:
4 “Sec. ____ . Notwithstanding the appropriations made
5 in this or any other Act, the unobligated state
6 general fund balance on June 30, 1989, shall be
7 considered to be sixty million dollars.”

CALVIN O. HULTMAN

S-3250

1 Amend Senate File 363 as follows:

2 1. Page 18, by striking lines 20 through 23 and

3 inserting the following:

4 "For capitol restoration, design of a parking
5 ramp".

6 2. Page 18, line 26, by striking the figure
7 "7,970,000" and inserting the following: "6,970,000".

JULIA B. GENTLEMAN

S-3251

1 Amend Senate File 291 as follows:

2 1. Page 1, lines 22 and 23, by striking the words
3 "and make a fixture filing as provided in section
4 554.9402.".

5 2. Page 3, by striking lines 6 through 9, and
6 inserting the following: "chapter 554."

7 3. Title page, by striking lines 3 and 4, and
8 inserting the following: "and by".

C. JOSEPH COLEMAN

S-3252

1 Amend Senate File 416 as follows:

2 1. Page 1, by striking lines 6 through 9, and
3 inserting the following: "approved by the
4 commissioner. The application for a permanent
5 identification card shall include a temporary
6 identification card valid for fourteen days from the
7 date of receipt of the application by the applicant.
8 It is unlawful for an agency".

DONALD V. DOYLE

S-3253

1 Amend Senate File 363 as follows:

2 1. Page 18, by striking lines 20 through 22 and
3 inserting the following:

4 "For capitol restoration,".

5 2. Page 18, line 23, by striking the words
6 "capitol expansion design,".

7 3. Page 18, line 26, by striking the figure
8 "7,970,000" and inserting the following: "6,970,000".

JULIA B. GENTLEMAN

S-3254

1 Amend House File 197 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 1, by striking lines 4 and 5 and
4 inserting the following: "operate a motor vehicle in
5 any of the following:
6 a. Any portion of a meandered stream.
7 b. Any portion of the bed of a nonmeandered stream
8 which has been identified as a navigable stream or
9 river by rule adopted by the department and which is
10 covered by water.
11 c. Any portion of a stream identified as a trout
12 stream by the department.
13 This section does".
14 2. Page 1, line 10, by inserting after the word
15 "streambed." the following: "This section does not
16 prohibit the operation of motor vehicles on ice."

JOHN P. KIBBIE
LEONARD L. BOSWELL
KEN SCOTT
EMIL HUSAK

S-3255

1 Amend Senate File 292 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 562B.25, Code 1989, is amended
5 by striking the section and inserting in lieu thereof
6 the following:
7 562B.25 NONCOMPLIANCE WITH RENTAL AGREEMENT BY
8 TENANT --TERMINATION FOR GOOD CAUSE ONLY.
9 1. TERMINATION OR DENIAL OF RENEWAL "FOR GOOD
10 CAUSE" ONLY. A tenancy shall not be terminated or
11 renewal of a tenancy refused except for good cause and
12 upon giving of a written notice to the tenant to
13 remove a mobile home from the mobile home park upon a
14 date not less than ninety days after receipt of the
15 notice except a thirty-day notice of termination is
16 permitted for repetitive violations pursuant to
17 subsection 3, paragraph "a". The period for removal
18 and the cause for termination or denial of renewal
19 shall be specified in the notice. To terminate or
20 refuse to renew a tenancy, the landlord shall deliver
21 a written notice to the tenant specifying the acts and
22 omissions constituting the breach, or otherwise

23 describing the "good cause" claimed, and that the
24 rental agreement will terminate upon a date not less
25 than ninety days after receipt of the notice if the
26 breach is not remedied within a reasonable time. A
27 notice of termination shall not be enforced until ten
28 days after a mediation agreement or arbitrator's order
29 providing for termination is entered pursuant to
30 section 562B.36.

31 2. "GOOD CAUSE" DEFINED. For purposes of this
32 section, "good cause" means one or more of the
33 following:

34 a. Failure of a tenant to comply with a local
35 ordinance or state law relating to mobile homes after
36 the tenant has received notice of noncompliance from
37 the appropriate government agency.

38 b. Material breach by the tenant of a reasonable
39 rule of the park as contained in the written lease or
40 other material breach of the rental agreement.

41 c. Conduct by the tenant, upon the park premises,
42 which constitutes a substantial annoyance to other
43 tenants.

44 d. Nonpayment of rent, utility charges, or
45 reasonable incidental service charges, if the amount
46 due has been unpaid for a period of at least five days
47 from its due date, provided that the tenant shall be
48 given a thirty-day written notice subsequent to that
49 five-day period to pay the amount due or to vacate the
50 tenancy. The notice may be given at the same time as

Page 2

1 the ninety-day notice required for termination of the
2 tenancy. Payment by the tenant prior to the
3 expiration of the thirty-day notice period shall cure
4 a default under this paragraph and shall cancel the
5 related ninety-day notice of termination.

6 However, if a tenant has been given a thirty-day
7 notice to pay the amount due or to vacate the tenancy
8 on three or more occasions within the preceding
9 twelve-month period, no written thirty-day notice
10 shall be required for a subsequent nonpayment of rent,
11 utility charges, or reasonable incidental service
12 charges, and the ninety-day notice of termination
13 creates no right to cure. A prior mediation agreement
14 or arbitration finding of good cause for nonpayment of
15 rent is not required to support issuance of a notice
16 of termination with no right to cure pursuant to this
17 unnumbered paragraph.

18 The tenant shall remain liable for all charges
19 accruing up until the time the mobile home is removed.

20 Cure of a default of rent, utility charges, or
21 reasonable incidental service charges by the owner or
22 any junior lien holder, if other than the tenant,
23 shall not be exercised more than twice during a
24 twelve-month period.

25 e. Material noncompliance of the tenant with
26 section 562B.18.

27 f. Condemnation of the tenant's lot by the
28 exercise of eminent domain or by order of state or
29 local government agencies.

30 g. Change of use by the mobile home park owner
31 pursuant to section 562B.35. For a change in use, the
32 procedure required by section 562B.35 shall be
33 followed in place of the procedure in this section.

34 3. RIGHT TO CURE. The tenant may avoid
35 termination or denial of renewal by correcting the
36 violation or noncompliance within thirty days of
37 receiving the ninety-day notice to terminate. If the
38 breach is remediable by repair or the payment of
39 damages or otherwise, and the tenant adequately
40 remedies the breach prior to the expiration of thirty
41 days, the rental agreement shall not be terminated at
42 the expiration of ninety days. The ninety-day notice
43 to terminate shall be accompanied by a thirty-day
44 notice to vacate explaining the right to cure and
45 detailing the required remedy. If no cure is
46 attempted or if the landlord does not accept an
47 attempted cure, the landlord may file a mediation
48 petition pursuant to section 562B.36 within ten days
49 after the expiration of the thirty-day cure period.

50 a. However, if at least two mediation agreements

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1 or arbitrator's findings have been entered within the
2 immediately preceding twelve-month period against the
3 tenant for the same good cause violation, except
4 nonpayment of rent, as alleged by the landlord, a
5 thirty-day written notice of termination shall be
6 effective and no right to cure is available and no
7 thirty-day notice to vacate is required. A mediation
8 petition may be filed at the same time, or at any time
9 after, the landlord's delivery of the notice of
10 termination under this paragraph.

11 b. Nothing in this section relieves the park owner
12 from the obligation to demonstrate that a rule is
13 reasonable and has in fact been violated.

14 If rent is due and unpaid and the tenant fails to
15 pay the rent within the thirty-day period to cure, the
16 landlord may terminate the rental agreement upon the

17 expiration of the ninety-day termination notice
 18 period. The thirty-day notice to vacate and the
 19 ninety-day notice of termination may be filed at the
 20 same time.

21 4. Except as otherwise provided in this chapter,
 22 the landlord may recover damages, obtain injunctive
 23 relief, or recover possession of the mobile home space
 24 pursuant to an action in forcible detainer for good
 25 cause.

26 5. The remedy provided in subsection 4 of this
 27 section is in addition to any right of the landlord
 28 arising under subsection 1 of this section.

29 Sec. 2. NEW SECTION. 562B.33 MOBILE HOME PARK
 30 RULES.

31 1. DEPARTMENTAL RULES ON MINIMUM STANDARDS. The
 32 department of inspections and appeals shall adopt
 33 minimum mobile home park standards by rule to assure
 34 compliance with the requirements of this chapter; to
 35 assure compliance with health and safety requirements
 36 imposed by federal, state, and local authorities; to
 37 protect the peaceful enjoyment of a mobile home owner
 38 or resident in the owner's or resident's home in the
 39 mobile home park; and to prevent fraud or abuse and
 40 guarantee the legal rights of a mobile home owner or
 41 resident. The department may, by rule, require
 42 licensing of mobile home parks and may impose fees to
 43 be paid by a mobile home park. A fee for inspection
 44 or licensing shall be based upon the administrative
 45 expenses of sustaining the department's and local
 46 inspection authority's costs of operating the
 47 inspection and enforcement program required by this
 48 section, which costs shall include, but are not
 49 limited to, the costs for the following:
 50 a. Administrative and clerical staff.

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1 b. Office facilities, supplies, and equipment.
 2 c. Travel expenses incurred by department staff
 3 and local officials in the course of the inspection
 4 and enforcement program.
 5 d. Independent tests or investigations.
 6 2. LICENSING AND INSPECTION FEES. The revenues
 7 from fees shall be allocated as follows:
 8 a. Ten percent to the department of inspections
 9 and appeals.
 10 b. Ninety percent of revenues collected within a
 11 local jurisdiction responsible for enforcement to the
 12 local jurisdiction.
 13 3. PENALTIES FOR LAX ENFORCEMENT. If the

14 department finds that a local jurisdiction has not
 15 adequately enforced this chapter or the rules adopted
 16 pursuant to this section, the responsible jurisdiction
 17 shall forfeit all revenue from licensing or inspection
 18 fees until a proposed compliance program is accepted
 19 by the department. Failure to receive revenues does
 20 not relieve a local jurisdiction of its obligation to
 21 enforce this chapter or rules adopted pursuant to this
 22 section. Failure to file a proposed compliance
 23 program within a reasonable period of time after
 24 receiving notice from the department of inadequate
 25 enforcement is grounds for the director of the
 26 department to impose a compliance program and to fine
 27 the local jurisdiction.

28 Sec. 3. NEW SECTION. 562B.34 ENFORCEMENT
 29 AUTHORITY.

30 1. CITY LARGER THAN TEN THOUSAND. A city with a
 31 population greater than ten thousand is responsible
 32 for enforcing the minimum mobile home park rules
 33 adopted by the department under section 562B.33 and
 34 this chapter.

35 2. COUNTY. A county is responsible for enforcing
 36 the minimum mobile home park rules adopted by the
 37 department under section 562B.33 and this chapter for
 38 a mobile home park within the county and outside a
 39 city with a population greater than ten thousand.

40 3. FEES. The responsible local jurisdiction shall
 41 receive funding for enforcement authorities pursuant
 42 to section 562B.33, but if revenue from licensing and
 43 inspection fees is restricted due to noncompliance,
 44 the local jurisdiction remains legally and financially
 45 responsible for enforcement.

46 Sec. 4. NEW SECTION. 562B.35 CHANGE OF USE BY
 47 THE MOBILE HOME PARK OWNER -- EFFECTIVE PRIVATE
 48 CONDEMNATION.

49 An owner may change the use of a mobile home park
 50 to another use and terminate the rental agreement, if

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1 the mobile home park is to be closed and the land
 2 converted to a different use, which is not required by
 3 the exercise of eminent domain or by order of state or
 4 local agencies, if the following conditions are met:
 5 a. FIFTEEN DAYS' NOTICE OF INTENT TO CHANGE USE.
 6 The management gives both the residents and owners at
 7 least fifteen days written notice that the management
 8 will be appearing before a local governmental board,
 9 commission, or body to request permits for a change of
 10 use of the mobile home park.

11 b. ONE HUNDRED EIGHTY DAYS' NOTICE OF TERMINATION
 12 OF TENANCY DUE TO CHANGE IN USE. After all required
 13 permits requesting a change of use have been approved
 14 by the local governmental board, commission, or body,
 15 the management gives both the residents and owners
 16 ninety days or more written notice of termination of
 17 tenancy.

18 If the change of use requires no local governmental
 19 permits, the management gives notice twelve months or
 20 more prior to the change of use. The management in
 21 the notice shall disclose and describe in detail the
 22 nature of the change of use.

23 c. REQUIRED NOTICE TO PROPOSED TENANTS OF PENDING
 24 CHANGE IN USE. The management gives each prospective
 25 tenant written notice of the proposed change in use
 26 prior to the inception of the tenancy.

27 d. COMPENSATION FOR DISLOCATION. The owner of a
 28 mobile home park shall pay the reasonable costs of
 29 moving and relocating a mobile home, subject to a
 30 proposed change in use, to another location within a
 31 reasonable distance of the park. Reasonable costs of
 32 moving include but are not limited to actual
 33 transportation charges and expenses to disconnect and
 34 reconnect the mobile home to utilities. A reasonable
 35 distance includes, at a minimum, the nearest mobile
 36 home park accepting mobile homes of the kind being
 37 relocated. Reasonable costs shall also include
 38 consideration of the reasonable and feasible
 39 alternatives available to the tenants. The burden is
 40 upon the owner or management to demonstrate that a
 41 proposed relocation expense, considered as part of the
 42 total relocation expense, is unreasonable.

43 Alternatively, if the landlord finds space
 44 acceptable to the tenant to which the tenant can move
 45 the mobile home and the landlord pays all the moving
 46 and relocating expenses, the tenant may accept this in
 47 compensation.

48 A landlord shall not increase the rent for the
 49 purpose of offsetting the payments required under this
 50 section. An increase in the rent shall not be made

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1 after a notice of termination is given pursuant to
 2 this section. Nothing in this section limits a
 3 landlord's right to terminate a tenancy for nonpayment
 4 of rent or any other cause stated in section 562B.25.

5 Sec. 5. NEW SECTION. 562B.36 MANDATORY
 6 MEDIATION.

7 1. MEDIATORS PROVIDED BY DEPARTMENT OF INSPECTIONS

8 AND APPEALS. The department of inspections and
9 appeals shall make available a pool of mediators to
10 mediate mobile home landlord and tenant disputes. The
11 department may contract with an approved dispute
12 resolution center as defined in section 679.1 to
13 provide this service. Except as the provisions of
14 this section conflict, chapter 679 governs the
15 mediation process. The costs of mediation shall be
16 paid equally by the landlord and the opposing party.
17 As used in this section, unless the context otherwise
18 requires, "department" means the department of
19 inspections and appeals or the approved dispute
20 resolution center appointed to conduct the mediation.

21 2. MANDATORY MEDIATION WITHIN THIRTY DAYS. A
22 mobile home park tenant, a mobile home park tenants'
23 union or similar organization, or a mobile home park
24 landlord may file a petition for mediation with the
25 department. The petition shall name the landlord of
26 the mobile home park or the tenant against whom the
27 complaint is made and shall contain a narrative of the
28 facts giving rise to the petition. The petition need
29 not plead specific legal causes of action. Mediation
30 is not required or available for termination for
31 nonpayment of rent pursuant to section 562B.25,
32 subsection 2, paragraph "d". The department may by
33 rule require, or the mediator may in writing request,
34 additional information or documents, if available to
35 the petitioner. The petition shall include a
36 description of the requested relief or remedy. The
37 department shall appoint a mediator. The department
38 shall notify the landlord by restricted mail of the
39 name, address, and phone number of the mediator and a
40 notice of the date, time, and place of the mediation
41 meeting. The department shall notify the tenant by
42 restricted certified mail of the name, address, and
43 phone number of the mediator and the date, time, and
44 place of the mediation meeting. The petition shall be
45 included with the notice to the defendant. The
46 mediation meeting shall be held within thirty days of
47 the notice to the landlord, unless the landlord,
48 petitioner, and mediator mutually agree on a later
49 date. Failure of the landlord to participate in the
50 mediation meeting shall result in the entry of a

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1 default decision in the petitioner's favor, granting
2 the requested relief or remedy. A default decision is
3 enforceable as a contract. Participation of the
4 petitioner in the mediation meeting is a

5 jurisdictional precondition to filing a suit based
6 upon the same facts described in the petition in
7 district court.

8 **3. MEDIATION AGREEMENT ENFORCEABLE AS CONTRACT.**

9 If an agreement is reached between the parties to
10 mediation, it shall be reduced to writing, signed by
11 all parties and the mediator, and be filed with the
12 department. A mediation agreement is an enforceable
13 contract.

14 **4. MANDATORY ARBITRATION WITHIN TEN DAYS OF
15 FAILURE OF MEDIATION.** If a mediation agreement is not

16 reached within the thirty days permitted under
17 subsection 2, the mediator becomes an arbitrator. The
18 arbitrator may schedule and require the party's
19 attendance at an arbitration hearing. The arbitration
20 hearing shall be held within ten days of the last
21 mediation meeting unless the petitioner, the landlord,
22 and the arbitrator mutually agree on a later date.
23 The arbitrator shall promptly issue the arbitrator's
24 findings and order after conclusion of the arbitration
25 hearing. The findings, if required by the facts of
26 the case, shall include a determination of the
27 presence of good cause, as defined in section 562B.25.
28 The arbitrator's order shall confirm termination of
29 the contract in support of the notice of termination
30 if required by section 562B.25 and such additional
31 relief as necessary or convenient to maintain or
32 restore the successful party's rights and interest.

33 **5. CONSENT TO ARBITRATION PART OF EVERY RENTAL
34 AGREEMENT FOR A MOBILE HOME SPACE.** A rental agreement

35 includes as a matter of law an agreement by both
36 parties to submit to arbitration in the event a
37 mediation petition is filed and no default decision or
38 mediation agreement is filed. The department shall
39 appoint the arbitrator, as provided in subsection 2.
40 If a written rental agreement fails to include a
41 consent to arbitration, it is implied by law. Chapter
42 679A shall govern the arbitration proceedings and
43 effect of the arbitration award. Notwithstanding,
44 section 679A.10, the losing party shall pay the costs
45 of arbitration, except for counsel fees, unless the
46 arbitrator finds that such an award of costs would
47 impose an injustice or undue hardship on the losing
48 party.

49 Sec. 6. Section 648.3, Code 1989, is amended to
50 read as follows:

Page 8

1 648.3 NOTICE TO QUIT.

2 Before action can be brought in any except the
3 first of the above classes, three days' notice to quit
4 must be given to the defendant in writing. However, a
5 landlord who has given a tenant three days' notice to
6 pay rent and has terminated the tenancy as provided in
7 section 562A.27, subsection 2, ~~or section 562B.25,~~
8 ~~subsection 2, if the tenant is renting the mobile home~~
9 ~~or the land from the landlord~~ may commence the action
10 without giving a three-day notice to quit.

11 A mobile home park landlord who has given a tenant
12 thirty-days' notice to vacate or pay rent and who has
13 terminated the tenancy as provided in section 562B.25
14 or 562B.35, may commence the forcible entry or
15 detainer action against the mobile home tenant without
16 giving a three-day notice to quit."

17 2. Title page, by striking lines 4 through 6, and
18 inserting the following: "landlords by requiring
19 termination of mobile home park tenancies only for
20 good cause, providing for minimum standards,
21 delegating enforcement and regulatory authority, and
22 by providing for mandatory mediation and arbitration
23 of certain mobile home park landlord and tenant
24 disputes."

AL STURGEON

S-3256

1 Amend Senate File 256 as follows:

2 1. Page 1, line 11, by adding after the word
3 "axles." the following: "However, if the vehicle
4 exceeds the ten percent tolerance allowed for any one
5 axle or tandem axle under this paragraph the fine to
6 be assessed for the axle or tandem axle shall be
7 computed on the difference between the actual weight
8 and the ten percent tolerance weight allowed for the
9 axle or tandem axle under this paragraph."

10 2. Page 1, by inserting after line 12 the fol-
11 lowing:

12 "Sec. ____ . Section 321.463, unnumbered paragraph
13 8, Code 1989, is amended to read as follows:

14 The Except as otherwise provided, the amount of the
15 fine to be assessed shall be computed on the
16 difference between the actual weight and the maximum
17 legal weight specified in this section by applying the

18 appropriate rate in the preceding schedule for the
19 total amount of overload.”

RICHARD F. DRAKE
C. JOSEPH COLEMAN

S-3257

- 1 Amend Senate File 417 as follows:
2 1. By striking page 1, line 32 through page 2,
3 line 3.

MICHAEL E. GRONSTAL

S-3258

- 1 Amend Senate File 363 as follows:
2 1. Page 19, by inserting after line 26 the fol-
3 lowing:
4 “Sec. ____ . If the appropriations made in this Act
5 will result in the unobligated state general fund
6 balance on June 30, 1989, to be less than sixty
7 millions dollars, each appropriation made in this Act
8 and any monetary limitation placed on the use of that
9 appropriation shall be reduced by the same percentage
10 such that the unobligated state general fund balance
11 on June 30, 1989, is sixty million dollars.”

CALVIN O. HULTMAN

S-3259

- 1 Amend Senate File 362 as follows:
2 1. Page 45, by inserting before line 27 the
3 following:
4 “Sec. ____ . NEW SECTION. Notwithstanding the dates
5 specified in section 20.19 for implementation of
6 impasse procedures and in section 20.17, subsection
7 10, for completion of negotiation of a collective
8 bargaining agreement effective for the school year
9 beginning July 1, 1991, and succeeding school years,
10 the board shall adopt rules for the implementation of
11 impasse procedures and the completion of negotiation
12 of collective bargaining agreements between the board
13 of directors of a school district and an employee
14 organization representing the certificated employees
15 of a school district that provide for completion of

16 the negotiation of the agreements not later than
17 September 1 of the school year that begins on July 1.”
18 2. By renumbering as necessary.

LARRY MURPHY
RICHARD J. VARN

S-3260

1 Amend Senate File 271 as follows:
2 1. Page 1, line 3, by inserting after the word
3 “employer” the following: “making application for
4 or”.
5 2. Page 1, by striking lines 7 and 8, and
6 inserting the following: “the statewide occupational
7 entry level average wage to be determined by the”.
8 3. Page 1, line 11, by striking the words
9 “industry and business” and inserting the following:
10 “occupational”.
11 4. Page 1, line 12, by inserting after the word
12 “categories.” the following: “For purposes of this
13 subsection, the department shall not take into account
14 wages paid by the employer making application for or
15 receiving financial assistance.”

JOHN A. PETERSON

S-3261

1 Amend Senate File 340 as follows:
2 1. Page 1, by inserting after line 19 the
3 following:
4 “7. The penalties and corrective action authorized
5 by subsection 6 shall not be assessed unless the maker
6 clearly and conspicuously places a notice on the
7 instrument stating that a penalty and corrective
8 action may be ordered pursuant to this section.”
9 2. By renumbering as necessary.

JIM LIND

S-3262

1 Amend Senate File 340 as follows:
2 1. Page 1, by inserting after line 19 the
3 following:
4 “7. The penalties and corrective action authorized

5 by subsection 6 shall not be assessed unless the maker
6 clearly and conspicuously places a notice on the
7 instrument stating that special action will be
8 required to be taken by the holder in order to collect
9 on the instrument.”

10 2. By renumbering as necessary.

JIM LIND

S-3263

1 Amend Senate File 210 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 “Section 1. Section 321.24, unnumbered paragraph
5 3, Code 1989, is amended to read as follows:
6 The certificate of title shall contain upon its
7 face the identical information required upon the face
8 of the registration receipt. In addition, the
9 certificate of title shall contain a statement of the
10 owner’s title, the amount of tax paid pursuant to
11 section 423.7, the name and address of the previous
12 owner, and a statement of all security interests and
13 encumbrances as shown in the application, upon the
14 vehicle described, including the nature of the
15 security interest, date of notation, and name and
16 address of the secured party. If the prior
17 certificate of title was a salvage, rebuilt, or
18 junking certificate of title in any other state, or if
19 the prior certificate of title in any other state
20 indicates that the vehicle was salvaged, rebuilt, or
21 junked, the new certificate of title shall contain the
22 same information together with the name of the state
23 issuing the prior salvage, rebuilt, or junking
24 certificate of title and a salvage, rebuilt, or
25 junking designation together with the name of the
26 state issuing the prior salvage, rebuilt, or junking
27 certificate of title shall be retained on all
28 subsequent Iowa certificates of title for the vehicle,
29 except as provided in section 321.52. In the event a
30 vehicle which previously had a salvage certificate of
31 title from another state is repaired and a regular
32 certificate of title is to be issued for it pursuant
33 to section 321.52 without the designation rebuilt, the
34 regular certificate of title shall indicate the state
35 which had issued the prior salvage certificate of
36 title in the same location in which Iowa certificates
37 of title show the designation salvage or rebuilt, in
38 addition to the name and address of the previous

39 owner, in lieu of the salvage designation. The name
40 of the state which had issued the prior salvage
41 certificate of title shall remain in that location on
42 every Iowa certificate of title issued thereafter for
43 the vehicle. The department shall adopt rules to
44 determine how other states' designations are to be
45 indicated on Iowa titles. The certificate shall bear
46 the seal of the county treasurer or of the department,
47 and the signature of the county treasurer, the deputy
48 county treasurer, or the department director or deputy
49 designee. The certificate shall provide space for the
50 signature of the owner. The owner shall sign the

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1 certificate of title in the space provided with pen
2 and ink upon its receipt. The certificate of title
3 shall contain upon the reverse side a form for
4 assignment of title or interest and warranty by the
5 owner, for reassignments by a licensed dealer, ~~and for~~
6 ~~application for a new certificate of title by the~~
7 ~~transferee as provided in this chapter.~~ However,
8 titles for mobile homes shall not be reassigned by
9 licensed dealers. All certificates of title shall be
10 typewritten or printed by other mechanical means.

11 Sec. 2. Section 321.31, subsection 2, Code 1989,
12 is amended to read as follows:

13 2. COUNTY RECORDS SYSTEM.

14 a. Each county treasurer's office shall maintain a
15 county records system for vehicle registration and
16 certificate of title documents. The records system
17 shall consist of information from the certificate of
18 title including the notation and cancellation of
19 security interests, and information from the
20 registration receipt, ~~and such.~~ The information shall
21 be maintained ~~by retention of one copy of the~~
22 ~~registration receipt in a registration number file and~~
23 ~~one copy of the title certificate in a title number~~
24 ~~file. In lieu of retaining one copy of the~~
25 ~~registration receipt and one copy of the title~~
26 ~~certificate, the information may be maintained in such~~
27 ~~other a manner as may be approved by the department,~~
28 ~~provided such information is accessible by title~~
29 ~~certificate number and registration number.~~

30 b. ~~The county treasurer may make photostatic,~~
31 ~~microfilm, or other photographic copies of~~
32 ~~certificates of title, registration receipts, or other~~
33 ~~records, reports or documents which are required to be~~
34 ~~retained by the county treasurer. When copies of~~
35 ~~records have been made, the county treasurer may~~

36 destroy the original records three years after they
37 have been issued, in such manner as prescribed by the
38 department. When copies of records are no longer of
39 use, they may be destroyed in a manner prescribed by
40 the department. Records of vehicle certificates of
41 title for vehicles that are delinquent for five or
42 more consecutive years may be destroyed by the county
43 treasurer. ~~Photostatic, Automated files, optical~~
44 ~~disks, microfiche records, and photostatic, microfilm,~~
45 or other photographic copies of records ~~shall be~~ are
46 admissible in evidence when duly certified and
47 authenticated by the officer having custody and
48 control of the ~~copies~~ of records.
49 Sec. 3. Section 321.134, Code 1989, is amended to
50 read as follows:

Page 3

1 321.134 MONTHLY PENALTY.
2 1. On the first day of the second month following
3 the beginning of each registration year a penalty of
4 five percent of the annual registration fee shall be
5 added to the registration fees not paid by that date
6 and an additional penalty of five percent shall be
7 added the first day of each succeeding month, until
8 the fee is paid. A penalty shall not be less than
9 five dollars. If the owner of a vehicle surrenders
10 the registration plates for a vehicle prior to the
11 plates becoming delinquent, to the county treasurer of
12 the county where the vehicle is registered, or to the
13 department if the vehicle is registered under chapter
14 326, the owner may register the vehicle any time
15 thereafter upon payment of the registration fee for
16 the registration year without penalty. The penalty on
17 vehicles registered under chapter 326 shall accrue
18 February 1 of each year.
19 2. The annual registration fee for trucks, truck
20 tractors, and road tractors, as provided in sections
21 321.121 and 321.122, may be payable in two equal
22 semiannual installments if the annual registration fee
23 exceeds the registration fee for a vehicle with a
24 gross weight exceeding five tons. The penalties
25 provided in ~~the preceding unnumbered paragraph~~
26 subsection 1 shall be computed on the amount of the
27 first installment only and on the first day of the
28 seventh month of the registration period the same rate
29 of penalty shall apply to the second installment,
30 until the fee is paid. Semiannual installments do not
31 apply to commercial vehicles subject to proportional
32 registration, with a base state other than the state

33 of Iowa, as defined in section 326.2, subsection 6.
34 The penalty on vehicles registered under chapter 326
35 accrues August 1 of each year.
36 3. If a penalty applies to a vehicle registration
37 fee provided for in sections 321.121 and 321.122, the
38 same penalty shall be assessed on the fees collected
39 to increase the registered gross weight of the
40 vehicle, if the increased gross weight is requested
41 within forty-five days from the date the delinquent
42 vehicle is registered for the current registration
43 period.
44 4. Notwithstanding subsections 1 through 3, if a
45 vehicle registration is delinquent for twenty-four
46 months or more, a flat penalty and fee shall be
47 assessed for the delinquent period in addition to the
48 current registration fee. The flat penalty and fee
49 shall be one hundred fifty percent of the current
50 annual registration.

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1 Sec. 4. Section 321.153, Code 1989, is amended to
2 read as follows:
3 321.153 TREASURER'S REPORT TO DEPARTMENT.
4 The county treasurer shall on the tenth day of each
5 month ~~report under oath~~ certify under the county seal
6 to the department, on forms furnished by it, ~~giving a~~
7 full and complete statement of all fees and penalties
8 ~~so~~ received by the county treasurer during the
9 preceding calendar month; ~~and shall forward to the~~
10 ~~treasurer of state a duplicate of such report.~~
11 Sec. 5. Section 2 of this Act, being deemed of
12 immediate importance, takes effect upon enactment.”

COMMITTEE ON TRANSPORTATION
C. JOSEPH COLEMAN, Chairperson

S-3264

1 Amend Senate File 323 as follows:

DIVISION S—3264A

2 1. Page 1, lines 5 and 6, by striking the words
3 “in grades kindergarten through eight”.

DIVISION S—3264B

- 4 2. Page 1, line 9, by inserting after the word
5 “that” the following: “fully interactive”.

DIVISION S—3264C

- 6 3. Page 1, line 10, by striking the word “only”.

COMMITTEE ON EDUCATION
LARRY MURPHY, Chairperson

S-3265

- 1 Amend Senate File 321 as follows:

2 1. Page 3, by striking line 35 and inserting the
3 following: “, in accordance with rules adopted by the
4 department of human services, all of the following
5 conditions exist:”

- 6 2. Page 4, by inserting after line 6 the follow-
7 ing:

8 “c. The existing facilities provide the child day
9 care services at a reasonable cost.

10 — . A child day care facility may apply to the
11 department of human services for a waiver to permit
12 children of persons who are not employees to receive
13 services at the facility. The department of human
14 services shall grant the waiver in accordance with
15 rules adopted by the department, if existing
16 facilities are not within a reasonable distance, or
17 provide the child day care services at a cost which is
18 greater than a reasonable cost.”

19 3. Page 4, line 18, by inserting after the word
20 “facilities.” the following: “However, off-site child
21 day care services shall be provided if a need is
22 demonstrated pursuant to subsection 3.”

23 4. Page 4, line 26, by inserting after the word
24 “building.” the following: “The department shall
25 report to the general assembly by July 1, 1990,
26 regarding the results of the employee survey required
27 under this Act, including the number of employees who
28 have expressed interest and the potential number of
29 children per site.”

COMMITTEE ON STATE GOVERNMENT
ROBERT M. CARR, Chairperson

S-3266

1 Amend Senate File 280 as follows:

2 1. Page 1, line 4, by inserting after the word
3 "built" the following: "in an urban revitalization
4 area".

5 2. Page 1, line 7, by striking the word "all" and
6 inserting the following: "for two".

7 3. Page 1, line 8, by striking the word "until"
8 and inserting the following: "unless".

ELAINE SZYMONIAK

S-3267

1 Amend Senate File 362 as follows:

2 1. Page 86, by inserting after line 5 the
3 following:

4 "Sec. ____ . NEW SECTION. 426B.1 SCHOOL DISTRICT
5 TAX CREDIT.

6 1. A school district tax credit fund is created.
7 There is appropriated annually from the general fund
8 of the state to the department of revenue and finance
9 to be credited to the school district tax credit fund,
10 an amount sufficient to implement this chapter.

11 The director of revenue and finance shall issue
12 warrants on the school district tax credit fund
13 payable to the county treasurers of the several
14 counties of the state under this chapter.

15 2. The school district tax credit fund shall be
16 apportioned each year so as to give a credit against
17 the tax levied on real property within the school
18 district.

19 3. The amount due each county shall be paid by the
20 the director of revenue and finance in two payments on
21 November 15 and March 15 of each fiscal year, drawn
22 upon warrants payable to the respective county
23 treasurers. The two payments shall be as nearly equal
24 as possible.

25 4. Annually the department of management shall
26 determine under section 426B.2 the total amount of
27 credits to be applied against the tax levied on all
28 real property within the school district and shall
29 certify to the county auditor of each county the total
30 credits in dollars for each school district. Each
31 county auditor shall then apportion, based on assessed
32 valuation, the credits against the tax levied on each
33 tract of real property in the school district payable

34 during the ensuing year, designating on the tax lists
35 the credit as being from the school district tax
36 credit fund, and credit shall then be given to the
37 several taxing districts in which such real property
38 is located in an amount equal to the credits allowed
39 on the taxes of such real property. The amount of
40 credits shall be apportioned by each county treasurer
41 to the several taxing districts as provided by law, in
42 the same manner as though the amount of the credit had
43 been paid by the owners of the real property.
44 However, the several taxing districts shall not draw
45 the funds so credited until after the semiannual
46 allocations have been received by the county
47 treasurer, as provided in this chapter. Each county
48 treasurer shall show on each tax receipt the amount of
49 credit received from the school district tax credit
50 fund.

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1 5. The school district tax credit allowed in this
2 chapter shall not exceed the actual amount of taxes
3 payable on the real property, exclusive of any special
4 assessments levied against the homestead.
5 Sec. — . NEW SECTION. 426B.2 TOTAL AMOUNT OF
6 CREDIT.
7 The department of management shall determine for
8 each school district for each budget year the percent
9 of its regular program budget that is funded by
10 property taxes and the percent that is funded by state
11 foundation aid and other state funding. If the
12 property tax portion exceeds the maximum allowable
13 percent for the budget year, a credit shall be given
14 to each tract of real property located in the school
15 district for the excess general fund property taxes
16 imposed under chapters 257 and 298. The department of
17 management shall determine the total amount of credits
18 that are to be applied against the real property taxes
19 levied on real property within the school district.
20 The total amount of credits equal the product of the
21 difference between the maximum allowable percent and
22 the percent of the regular program budget funded by
23 property taxes multiplied by the regular program
24 budget.
25 For the purpose of this section, the maximum
26 allowable percent for the budget year beginning July
27 1, 1991, is seventy. For each succeeding budget year,
28 the maximum allowable percent shall be reduced by ten,
29 until for the budget year beginning July 1, 1996, and
30 thereafter, the maximum allowable percent is twenty.

31 For the purposes of this section, "regular program
 32 budget" includes the district cost of the district,
 33 property tax adjustment aid, additional allowable
 34 growth granted for approved dropout prevention
 35 programs, additional allowable growth granted by the
 36 school budget review committee, and revenues from the
 37 management levy. Property tax credits received under
 38 chapters 425, 426, and 426A during the year shall be
 39 deducted from the property tax portion and shall be
 40 considered state aid."

CALVIN O. HULTMAN
 RICHARD F. DRAKE

S-3268

1 Amend Senate File 428 as follows:
 2 1. Page 1, lines 5 and 6, by striking the words
 3 and figure "the enhanced 911 service area" and
 4 inserting the following: "each county".

ELAINE SZYMONIAK

S-3269

1 Amend Senate File 31 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 135C.14, subsection 8, Code
 5 1989, is amended by adding the following new
 6 paragraphs:
 7 NEW PARAGRAPH. e. For the recoupment of funds or
 8 property to residents when the resident's personal
 9 funds or property have been used without the
 10 resident's written consent or the written consent of
 11 the resident's guardian.
 12 NEW PARAGRAPH. f. To ensure that residents are
 13 paid for work performed at a facility or for others,
 14 when it is verified that uncompensated work has been
 15 performed by residents.
 16 Sec. 2. Section 135C.25, Code 1989, is amended by
 17 adding the following new subsection:
 18 NEW SUBSECTION. 5. If a facility's care review
 19 committee fails to submit the report required pursuant
 20 to the rules adopted pursuant to section 249D.44 for a
 21 period of six months, the facility's administrator
 22 shall notify the director of the department of elder
 23 affairs in writing of the inactivity of the care

24 review committee. Failure to report an inactive care
 25 review committee is a class II violation under this
 26 chapter.

27 Sec. 3. Section 135C.37, Code 1989, is amended to
 28 read as follows:

29 135C.37 COMPLAINTS ALLEGING VIOLATIONS --
 30 CONFIDENTIALITY.

31 A person may request an inspection of a health care
 32 facility by filing with the department, care review
 33 committee of the facility, or the long-term care
 34 resident's advocate as defined in section 249D.4,
 35 subsection 15, a complaint of an alleged violation of
 36 applicable requirements of this chapter or the rules
 37 adopted pursuant to this chapter. A person alleging
 38 abuse or neglect of a resident with a developmental
 39 disability or with mental illness may also file a
 40 complaint with the protection and advocacy agency
 41 designated pursuant to section 135B.9 or section
 42 135C.2. A copy of a complaint filed with the care
 43 review committee or the long-term care resident's
 44 advocate shall be forwarded to the department. The
 45 complaint shall state in a reasonably specific manner
 46 the basis of the complaint, and a statement of the
 47 nature of the complaint shall be delivered to the
 48 facility involved at the time of ~~or prior to~~ the
 49 inspection. The name of the person who files a
 50 complaint with the department, care review committee,

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1 or the long-term care resident's advocate shall be
 2 kept confidential and shall not be subject to
 3 discovery, subpoena, or other means of legal
 4 compulsion for its release to a person other than
 5 department employees involved in the investigation of
 6 the complaint.

7 Sec. 4. Section 135C.38, subsection 1, Code 1989,
 8 is amended to read as follows:

9 1. Upon receipt of a complaint made in accordance
 10 with section 135C.37, the department or care review
 11 committee shall make a preliminary review of the
 12 complaint. Unless the department or committee
 13 concludes that the complaint is intended to harass a
 14 facility or a licensee or is without reasonable basis,
 15 it shall within twenty working days of receipt of the
 16 complaint make or cause to be made an on-site
 17 inspection of the health care facility which is the
 18 subject of the complaint. The complaint investigation
 19 shall include, at a minimum, an interview with the
 20 complainant and the victim of the alleged violation.

21 if the victim is able to communicate. Additionally,
22 witnesses who have knowledge of facts related to the
23 complaint shall be interviewed. The names of
24 witnesses may be obtained from the complainant or the
25 victim. The files may be reviewed to ascertain the
26 names of staff persons on duty at the time relevant to
27 the complaint. An investigator and a reviewing team
28 shall apply a preponderance of the evidence standard
29 in determining whether or not a complaint is
30 substantiated. For the purposes of this subsection,
31 "a preponderance of the evidence standard" means that
32 the evidence, considered and compared with the
33 evidence opposed to it, produces the belief in a
34 reasonable mind that the allegations are more likely
35 true than not true. "A preponderance of the evidence
36 standard" does not require that the investigator and
37 the reviewing team personally witnessed the alleged
38 violation. The department may refer to the care
39 review committee of a facility any complaint received
40 by the department regarding that facility, for initial
41 evaluation and appropriate action by the committee.
42 In any case, the complainant shall be promptly
43 informed of the result of any action taken by the
44 department or committee in the matter. The
45 complainant shall also be notified of the name,
46 address, and telephone number of the designated
47 protection and advocacy agency if the alleged
48 violation involves a facility with one or more
49 residents with developmental disabilities or mental
50 illness. Upon conclusion of the investigation, the

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1 department shall notify the complainant of the
2 results. The notification shall include a statement
3 of the factual findings as determined by the
4 investigator, the statutory or regulatory provisions
5 alleged to have been violated, and the reasons for
6 which the complaint was or was not substantiated. A
7 person who is dissatisfied with any aspect of the
8 department's handling of the complaint may contact the
9 long-term care resident's advocate, established
10 pursuant to section 249D.42, or may contact the
11 protection and advocacy agency designated pursuant to
12 section 135C.2 if the complaint relates to a resident
13 with a developmental disability or a mental illness.
14 Sec. 5. Section 135C.39, Code 1989, is amended by
15 adding the following new unnumbered paragraph:
16 NEW UNNUMBERED PARAGRAPH. A person who notifies,

17 or causes to be notified, a health care facility, of
18 the time and date on which a survey or on-site
19 inspection is scheduled, is subject to a civil penalty
20 of not less than one thousand dollars nor more than
21 two thousand dollars, and is guilty of a simple
22 misdemeanor.”

23 2. Title page, line 1, by striking the word “by”
24 and inserting the following: “of”.

25 3. Title page, line 2, by inserting after the
26 word “facility” the following: “and providing
27 penalties”.

COMMITTEE ON HUMAN RESOURCES
BEVERLY A. HANNON, Chairperson

S-3270

1 Amend Senate File 58 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:
4 “Section 1. Section 321.438, subsection 2, Code
5 1989, is amended by striking the section and inserting
6 in lieu thereof the following:

7 2. a. A person shall not operate a motor vehicle
8 on a highway in this state if the motor vehicle has a
9 sunscreen device on the windshield, the front side
10 wings, and side windows adjacent to the right and left
11 of the driver and windows to the rear of the driver
12 that do not meet the requirements of this subsection.
13 However, if the motor vehicle is not required to be
14 registered in this state, the motor vehicle shall be
15 deemed to meet the requirements of this subsection if
16 the motor vehicle meets the light reflectance and
17 transmission requirements of the state or country of
18 registration.

19 b. A sunscreening device when used in conjunction
20 with the windshield shall be nonreflective and may not
21 be red in color. A sunscreening device may be used
22 only along the top of the windshield and may not
23 extend downward more than five inches from the top of
24 the windshield.

25 c. A sunscreening device when used in conjunction
26 with the safety glazing materials of the side wings or
27 side windows, or both, located at the immediate right
28 and left of the driver shall be nonreflective and
29 shall have light transmission of not less than thirty-
30 five percent.

31 d. A sunscreening device when used in conjunction
32 with the safety glazing of the rear-most window and

33 the side windows behind the driver shall be
34 nonreflective and shall have a light transmission of
35 not less than twenty percent. However, a sunscreening
36 device shall not be used in conjunction with the rear-
37 most window unless one right and one left outside
38 rearview mirror is provided on the motor vehicle.

39 e. Sunscreen devices offered for sale or use in
40 Iowa may bear a label not to exceed one and one-half
41 square inches in size, with a means for the permanent
42 and legible installations between the sunscreening
43 material and each glazing surface to which it is
44 applied that contains the manufacturer's name and its
45 percentage of light transmission. The label shall be
46 placed in the left lower corner of each glazing
47 surface when facing the vehicle from the outside.

48 f. This subsection does not apply to a motor
49 vehicle registered in this state in the name of a
50 person, or the person's legal guardian, who has an

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1 affidavit signed by a physician, as defined in section
2 135.1, that states that the person has a physical
3 condition that makes it necessary to equip the motor
4 vehicle with sunscreening material which would be of a
5 light transmittance otherwise in violation of this
6 subsection. The affidavit shall be in the possession
7 of the person so afflicted, or the person's legal
8 guardian, at all times while being transported in the
9 motor vehicle.

10 g. The light transmittance requirement of this
11 subsection does not apply to windows behind the driver
12 on motor trucks, motor homes, and multipurpose
13 vehicles.

14 h. Industry film card strips shall be used by
15 peace officers for the enforcement of this subsection.

16 3. As used in this subsection:

17 a. "Sunscreening device" means a film material or
18 device that is designed to be used in conjunction with
19 motor vehicle safety glazing materials for reducing
20 the effects of the sun.

21 b. "Light transmission" means the ratio of the
22 amount of total light to pass through a product or
23 material to the amount of the total light falling on
24 the product or material.

25 c. "Nonreflective" means a product or material
26 designed to absorb light rather than to reflect it."

S-3271

1 Amend Senate File 340 as follows:
2 1. Page 1, line 9, by striking the word "holder"
3 and inserting the following: "maker".
4 2. Page 1, line 12, by inserting after the word
5 "bureau" the following: ", credit reporting service,
6 or collection agency".
7 3. Page 1, line 14, by inserting after the word
8 "assessed." the following: "A credit bureau, credit
9 reporting service, or collection agency shall remove
10 such references when directed by the holder or by a
11 court of competent jurisdiction."

DONALD V. DOYLE

S-3272

1 Amend Senate File 360 as follows:
2 1. Page 1, line 2, by striking the words "theft
3 in the third degree" and inserting the following: "a
4 simple misdemeanor".
5 2. Page 1, line 3, by inserting after the word
6 "marker" the following: "which was provided pursuant
7 to section 250.16,".
8 3. Page 1, line 5, by inserting after the word
9 "marker." the following: "The person shall also be
10 liable for restitution in an amount equal to three
11 times the cost of the marker to be paid to the county
12 commission of veteran affairs or other person who
13 furnished the marker."

COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

S-3273

1 Amend Senate File 362 as follows:
2 1. Page 13, line 32, by inserting after the word
3 "subsection" the following: "and minus sixteen
4 dollars".
5 2. By striking page 17, line 24, through page 18,
6 line 7, and inserting the following:
7 "For the budget year beginning July 1, 1993, the
8 regular program district cost per pupil is the regular

9 program state cost per pupil for that budget year,
10 calculated under section 257.9, subsection 4.”

JOY CORNING
JEAN LLOYD-JONES
LARRY MURPHY

S-3274

- 1 Amend Senate File 434 as follows:
- 2 1. Page 1, by striking lines 26 and 27, and
- 3 inserting the following:
- 4 “f. (1) For certificate and seal, except for
- 5 letters testamentary 20.00
- 6 (2) For certificate and seal of letters
- 7 testamentary 2.00”.

DONALD V. DOYLE

S-3275

- 1 Amend Senate File 362 as follows:
- 2 1. Page 45, by inserting before line 27 the
- 3 following:
- 4 “Sec. ____ . NEW SECTION. Notwithstanding the dates
- 5 specified in section 20.19 for implementation of
- 6 impasse procedures and in section 20.17, subsection
- 7 10, for completion of negotiation of a collective
- 8 bargaining agreement effective for the school year
- 9 beginning July 1, 1991, and succeeding school years,
- 10 the negotiation of collective bargaining agreements
- 11 between the board of directors of a school district
- 12 and an employee organization representing the
- 13 certificated employees of a school district shall
- 14 begin no sooner than May 1 and no later than May 10,
- 15 and negotiation of the agreements shall be completed
- 16 not later than September 1 of the school year that
- 17 begins on July 1.”
- 18 2. By renumbering as necessary.

LARRY MURPHY
RICHARD J. VARN

S-3276

- 1 Amend Senate Joint Resolution 8 as follows:
- 2 1. Page 1, by striking line 2 and inserting the

3 following: "1, paragraph f, and subrule 2, paragraph
4 a, are nullified."

JOE WELSH

S-3277

1 Amend Senate File 387 as follows:
2 1. Page 1, line 14, by inserting after the word
3 "growing" the following: ", marketing.".

JIM LIND

S-3278

1 Amend Senate File 362 as follows:
2 1. Page 47, by inserting after line 7 the
3 following:
4 "Sec. 400. **NEW SECTION. 263.20 EDUCATION FINANCE**
5 **INSTITUTE.** An education finance institute is
6 established at the university of Iowa to provide the
7 general assembly, the department of education, the
8 department of management, and associations interested
9 in education with information and research regarding
10 the funding of school districts under the state school
11 finance formula. The institute shall initiate
12 research within the limits of the moneys available,
13 review school finance research conducted in this state
14 and in other states, compare school districts in Iowa
15 with other school districts both in Iowa and in other
16 states, review the operation of Iowa's school finance
17 plan, and serve as a resource to the general assembly
18 in actions relating to school finance. The research
19 conducted by the institute shall be coordinated with
20 the legislative fiscal bureau. The legislative fiscal
21 bureau and the house and senate committees on
22 education of the general assembly may make
23 recommendations to the institute concerning research
24 projects to be initiated and information to be
25 gathered.
26 Research projects may include but are not limited
27 to projects relating to equality of educational
28 opportunity, equality of distribution of education
29 funds, the relationship between school funding and
30 school improvement, access of students to curriculum
31 and programs, tax equity, and use of income factors in
32 school funding.
33 The institute shall be interdisciplinary in focus,

34 using research teams that may include members from
35 other higher education institutions under the control
36 of the state board of regents.
37 The institute shall be financed with moneys
38 appropriated in this section and additional
39 contributions from the university of Iowa. In
40 addition, the university of Iowa shall seek grants and
41 donations from public and private sources.
42 There is appropriated from the general fund of the
43 state to the state board of regents for allocation to
44 the school finance institute for each fiscal year an
45 amount equal to thirty-two cents multiplied by the sum
46 of the basic enrollments for the budget year of all
47 school districts in the state, as basic enrollment is
48 defined in section 257.6.”
49 2. Page 90, line 13, by striking the word and
50 figure “and 114” and inserting the following: “114,

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1 and 400”.

LARRY MURPHY

S-3279

1 Amend Senate File 362 as follows:
2 1. Page 57, by inserting after line 24 the
3 following:
4 “Sec. 401. NEW SECTION. 279.8A STUDENT FEES.
5 Students meeting the economic eligibility
6 requirements established under the federal National
7 School Lunch and Child Nutrition Acts, 42 U.S.C. §
8 1751-1785, for free or reduced price lunches, shall
9 not be required by the board of directors to pay fees
10 imposed by the board for enrolling in the school
11 district or for participation in extracurricular
12 activities of the school district.”
13 2. Page 90, line 1, by striking the word and
14 figure “and 111” and inserting the following: “, 111,
15 and 401”.

LARRY MURPHY

S-3280

1 Amend Senate File 231 as follows:
2 1. By striking everything after the enacting

3 clause and inserting the following:

4 "Section 1. NEW SECTION. 476.75 ALTERNATIVE
5 OPERATOR SERVICES.

6 1. DEFINITIONS. As used in this section:

7 a. An "alternative operator services company" is a
8 company which receives more than half of its Iowa
9 intrastate telecommunications services revenues from
10 local and toll calls and related operator and
11 switching services placed by end-user customers from
12 telephones other than ordinary residence or business
13 telephones.

14 b. "Alternative operator services" are local and
15 Iowa intrastate toll call services and related
16 operator and switching services provided by an
17 alternative operator services company to end-user
18 customers when placing calls from telephones other
19 than ordinary residence or business telephones.

20 c. "Contracting entity" means any entity owning
21 telephone equipment which has contracted with an
22 alternative operator services company to provide
23 alternative operator services.

24 d. An "end-user customer" is a person billed for
25 the use of alternative operator services.

26 e. "Other than ordinary residence or business
27 telephones" are telephones other than the residence or
28 business telephones of the typical caller using the
29 telephone. Examples include, but are not limited to,
30 pay telephones and telephones in motel, hotel,
31 hospital, and college dormitory rooms.

32 2. JURISDICTION. Notwithstanding any finding by
33 the board that a service or facility is subject to
34 competition and should be deregulated pursuant to
35 section 476.1, all alternative operator services and
36 alternative operator services companies are subject to
37 the jurisdiction of the board and to all requirements
38 and sanctions provided in this chapter. All
39 alternative operator services relating to Iowa
40 intrastate calls shall be rendered pursuant to tariff
41 approved by the board.

42 3. REQUIREMENTS.

43 a. An alternative operator services company shall
44 require as a part of the contract with any contracting
45 entity that the contracting entity post on or near the
46 telephone instrument in plain view of an end-user
47 customer using the telephone all of the following:

48 (1) The name and address of the alternative
49 operator services company.

50 (2) An example of total charges for a typical

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1 local and long distance call assuming a direct-dialed,
2 three-minute credit card call, billed at day and
3 evening rates.

4 (3) Dialing directions so that a consumer may
5 reach the operator to receive specific rate
6 information.

7 (4) Dialing directions to access through that
8 telephone equipment all telecommunications companies
9 that can be accessed through the local telephone
10 company providing service to the contracting entity.

11 b. The contracting entity shall comply with the
12 contract terms required by this section.

13 c. The alternative operator services company shall
14 do the following:

15 (1) Identify the alternative operator services
16 company providing the service at the beginning of
17 every call, including those handled automatically.

18 (2) Provide the local exchange company serving the
19 contracting entity with an address and toll free
20 telephone number for consumer inquiries.

21 (3) Include an address and toll-free telephone
22 number for consumer inquiries on each bill for
23 alternative operator services.

24 d. The alternative operator services company shall
25 ensure that end-user customers are not billed for
26 calls which are not completed. For billing purposes,
27 calls shall be itemized, identified, and rated from
28 the point of origination to the point of termination.
29 A call shall not be transferred to another carrier by
30 an alternative operator services company which cannot
31 or will not complete the call, unless the call can be
32 billed in accordance with this paragraph.

33 4. BILLING BY LOCAL EXCHANGE UTILITIES.

34 Notwithstanding any finding by the board that a
35 service or facility is subject to competition and
36 should be deregulated pursuant to section 476.1, no
37 regulated local exchange utility shall perform billing
38 and collections functions relating to alternative
39 operator services unless the alternative operator
40 services company has filed a statement signed by a
41 corporate officer, or other authorized person having
42 personal knowledge, that all Iowa intrastate
43 alternative operator services to be billed shall be
44 rendered pursuant to tariffs approved by the board."

COMMITTEE ON COMMERCE
WILLIAM PALMER, Chairperson

S-3281

1 Amend Senate File 362 as follows:

2 1. Page 86, by inserting after line 5 the
3 following:

4 "Sec. ____ . NEW SECTION. 427.2A SCHOOL TAXES ON
5 EXEMPT PROPERTY.

6 Notwithstanding the property tax exemption
7 provisions in sections 161.12, 427.1, and 427.2, and
8 notwithstanding the partial property tax exemption
9 provisions in sections 404.3, 427.3 through 427.6,
10 427B.1 through 427B.3, 427B.7, and 427B.17, for fiscal
11 years beginning on or after July 1, 1990, real
12 property exempt or partially exempt, as applicable,
13 under those sections shall receive such exemption or
14 partial exemption as applicable, from all property tax
15 levies, except the school general fund taxes levied
16 pursuant to chapters 257 and 298.

17 This section shall not be interpreted as imposing
18 any property tax on real property which this state or
19 a political subdivision of this state is prohibited
20 from taxing under the Constitution or laws of the
21 United States or under the Constitution of this state
22 and such real property shall be exempt from all
23 property taxes to the extent of the prohibition."

LARRY MURPHY

S-3282

1 Amend Senate File 394 as follows:

2 1. Page 1, by striking lines 14 and 15 and
3 inserting the following: "conducting such studies as
4 determined by the council."

DONALD V. DOYLE

S-3283

1 Amend Senate File 362 as follows:

2 1. Page 27, line 6, by inserting after the word
3 "fewer" the following: ", and to each area education
4 agency in which there are fewer than an average of
5 three and one-half public school pupils per square
6 mile,".

7 2. Page 27, line 7, by inserting after the word
8 "payment" the following: "for school districts".

9 3. Page 27, line 13, by inserting after the word

10 "hundred." the following: "The size adjustment
11 payment for area education agencies is forty dollars
12 multiplied by the enrollment served in the area
13 education agency."
14 4. Page 27, line 21, by inserting after the word
15 "districts" the following: "and area education
16 agencies".

LARRY MURPHY

S-3284

1 Amend House File 146, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 1, by striking lines 15 through 17 and
4 inserting the following: "member of the commission
5 shall be so employed. The executive director need not
6 possess the qualifications as provided in section
7 250.3 if an otherwise qualified applicant cannot be
8 found who possesses the qualifications as provided in
9 section 250.3. However, this".

ELAINE SZYMONIAK

S-3285

1 Amend Senate File 408 as follows:
2 1. Page 1, by striking lines 14 and 15 and
3 inserting the following: "thereof.
4 When the two parties cannot initially come to
5 agreement as to the division of costs under this
6 subsection, they shall contract with an organization
7 in this state to provide mediation services. The
8 costs of the mediation services shall be equally
9 allocated between the two parties. If after
10 submitting to mediation the parties still cannot come
11 to agreement as to the division of costs, the mediator
12 shall sign a statement that the parties did not reach
13 an agreement, and the parties shall then submit".
14 2. Page 5, by striking line 5 and inserting the
15 following: "transferred as to the necessary repairs,
16 they shall contract with an organization in this state
17 to provide mediation services. The costs of the
18 mediation services shall be equally allocated between
19 the parties. If after submitting to mediation the
20 parties still cannot come to agreement as to the
21 necessary repairs, the mediator shall sign a statement

22 that the parties did not reach an agreement, and the
23 parties shall then submit the”.

COMMITTEE ON TRANSPORTATION
C. JOSEPH COLEMAN, Chairperson

S-3286

- 1 Amend Senate File 199 as follows:
- 2 1. Page 1, by striking lines 8 through 28.

COMMITTEE ON HUMAN RESOURCES
BEVERLY A. HANNON, Chairperson

S-3287

- 1 Amend Senate File 362 as follows:
- 2 1. Page 45, by inserting before line 27 the
- 3 following:
- 4 “Sec. 405. NEW SECTION. 20.31 EXCEPTIONS.
- 5 Notwithstanding the dates specified in section 20.19
- 6 for implementation of impasse procedures and in
- 7 section 20.17, subsection 10, for completion of
- 8 negotiation of a collective bargaining agreement
- 9 effective for the school year beginning July 1, 1991,
- 10 and succeeding school years, the negotiation of
- 11 collective bargaining agreements between the board of
- 12 directors of a school district and an employee
- 13 organization representing the certificated employees
- 14 of a school district shall begin no sooner than May 1
- 15 and no later than May 10, and negotiation of the
- 16 agreements shall be completed not later than September
- 17 1 of the school year that begins on July 1.”
- 18 2. Page 90, line 6, by striking the word “and”.
- 19 3. Page 90, line 7, by inserting after the figure
- 20 “109” the following: “and 405”.
- 21 4. By renumbering as necessary.

LARRY MURPHY
RICHARD J. VARN

S-3288

- 1 Amend Senate File 340 as follows:
- 2 1. Page 1, line 9, by striking the word “holder”
- 3 and inserting the following: “maker”.
- 4 2. Page 1, line 12, by inserting after the word

5 "bureau" the following: " , credit reporting service,
6 or collection agency".
7 3. Page 1, line 14, by inserting after the word
8 "assessed." the following: "A credit bureau, credit
9 reporting service, or collection agency shall remove
10 such references when directed by the holder or by a
11 court of competent jurisdiction."

DONALD V. DOYLE

S-3289

1 Amend Senate File 403 as follows:
2 1. Page 1, by striking line 12 and inserting the
3 following: "to natural wonders, scenic, ~~and~~ historic
4 and tourist attractions,".
5 2. Page 1, by inserting after line 27 the
6 following:
7 "Sec. ____ . The state department of transportation
8 shall contact or meet with officers of the outdoor
9 advertising association of Iowa and other interest
10 groups seeking to erect tourist attractions signs in
11 or near their community for the purpose of
12 coordinating efforts of the private sector and the
13 state. The department shall report to the general
14 assembly by January 1, 1990, any changes in
15 departmental rules or procedures as a result of this
16 Act and the discussions or meetings held pursuant to
17 this section."
18 3. By renumbering as necessary.

COMMITTEE ON SMALL BUSINESS
AND ECONOMIC DEVELOPMENT
LEONARD BOSWELL, Chairperson

S-3290

1 Amend Senate File 271 as follows:
2 1. Page 1, line 3, by inserting after the word
3 "assistance" the following: "or subsidies".

JIM LIND

S-3291

- 1 Amend House File 29 as amended, passed, and
- 2 reprinted by the House, as follows:

DIVISION S—3291A

- 3 1. Page 1, by striking line 15 and inserting the
- 4 following: “sum equal to the overpayment, or the
- 5 division may file a lien with the county recorder in
- 6 favor of the state on the individual's property and
- 7 rights to property, whether real or personal. The
- 8 amount of the lien shall be collected in a manner
- 9 similar to the provisions for the collection of past
- 10 due contributions in section 96.14, subsection 3.
- 11 However, the division may”.
- 12 2. Page 1, line 19, by inserting after the word
- 13 “decision.” the following: “Commencing July 1 of each
- 14 year if an individual has no earnings in the previous
- 15 calendar year, the period of time to recover the
- 16 outstanding overpayment shall be extended by one year.
- 17 In no event shall an outstanding overpayment which is
- 18 ten years or older from the date of the overpayment
- 19 decision be recovered.”

DIVISION S—3291B

- 20 3. Page 1, by inserting after line 19 the
- 21 following: “Each year the general fund shall
- 22 reimburse the unemployment compensation fund in an
- 23 amount equal to the overpayments purged by the
- 24 division.”

JIM LIND

S-3292

- 1 Amend Senate File 362 as follows:

DIVISION S—3292A

- 2 1. By striking page 8, line 33, through page 10,
- 3 line 26, and inserting the following:
- 4 1. CALCULATION BY DEPARTMENT OF MANAGEMENT. On or
- 5 before September 15, 1989, the department of
- 6 management shall compute a state percent of growth for
- 7 the budget year and a state percent of growth for the
- 8 year following the budget year.
- 9 On or before each September 15 thereafter, the de-

10 partment of management shall compute a state percent
11 of growth for the year following the budget year. The
12 state percents of growth shall be forwarded to the
13 director of the department of education.

14 2. BUDGET YEAR CALCULATION. For the budget year,
15 the state percent of growth is an average of the
16 following four percents of growth in paragraphs "a"
17 and "b" except as otherwise provided in subsection 4:

18 a. The difference in the percents of change in
19 receipts of state general fund revenues, computed or
20 estimated by the state revenue estimating conference
21 created in section 8.22A as follows:

22 (1) The percent of change between the revenues
23 received during the second year preceding the base
24 year and the revenues received during the year
25 preceding the base year.

26 (2) The percent of change between the revenues
27 received during the year preceding the base year and
28 the revenues received during the base year.

29 For the purpose of this lettered paragraph,
30 receipts of state general fund revenues do not include
31 one-time nonrecurring receipts or receipts that are
32 accounting transactions made to meet the requirements
33 of 1986 Iowa Acts, chapter 1238, section 59.

34 b. The difference in the gross national product
35 implicit price deflators, based to the extent possible
36 on the latest available values for these deflators,
37 published by the bureau of economic analysis, United
38 States department of commerce, computed or estimated
39 as a percent of change as follows:

40 (1) From the value for the year ending December 31
41 eighteen months before the beginning of the base year
42 to the value for the year ending December 31 six
43 months before the beginning of the base year.

44 (2) From the value for the year ending December 31
45 six months before the beginning of the base year to
46 the value for the year ending December 31 in the base
47 year.

48 3. CALCULATION FOR YEAR FOLLOWING BUDGET YEAR.

49 For the year following the budget year, the state
50 percent of growth is an average of the following four

Page 2

DIVISION S—3292A (cont'd.)

1 percentages of growth in paragraphs "a" and "b",
2 except as provided in subsection 4:

3 a. The difference in the percents of change in
4 receipts of state general fund revenues computed or

5 estimated by the state revenue estimating conference
6 created in section 8.22A as follows:

- 7 (1) The percent of change between the revenues
8 received during the year preceding the base year and
9 the revenues received during the base year.
10 (2) The percent of change between the revenues
11 received during the base year and the revenues
12 received during the budget year.

13 For the purpose of this lettered paragraph,
14 receipts of state general fund revenues do not include
15 one-time nonrecurring receipts or receipts that are
16 accounting transactions made to meet the requirements
17 of 1986 Iowa Acts, chapter 1238, section 59.

18 b. The difference in the gross national product
19 implicit price deflators, based to the extent possible
20 on the latest available values for those deflators
21 published by the bureau of economic analysis, United
22 States department of commerce, computed or estimated
23 as a percent of change as follows:

24 (1) From the value for the year ending December 31
25 six months before the beginning of the base year to
26 the value for the year ending December 31 six months
27 before the beginning of the budget year.

28 (2) From the value for the year ending December 31
29 six months before the beginning of the budget year to
30 the value for the year ending December 31 during the
31 budget year.

32 4. EXCEPTION. If the average of the percents
33 computed or estimated under paragraph "b" of
34 subsection 2 or 3 exceeds the average of the percents
35 computed or estimated under paragraph "a" of the
36 applicable subsection, the state percent of growth for
37 that budget year shall be the average of the two
38 percents of growth computed or estimated under
39 paragraph "a" of the applicable subsection.

40 5. NEGATIVE PERCENT. If the state percent of
41 growth computed for a budget year is negative, that
42 percent shall not be used and the state percent of
43 growth shall be zero.

44 6. RECOMPUTATION. On or before September 15 of
45 each year the department of management shall recompute
46 the state percent of growth for the previous year
47 using adjusted estimates and the actual figures
48 available. The difference between the recomputed
49 state percent of growth for the previous year and the
50 original computation shall be added to or subtracted

Page 3

DIVISION S—3292A (cont'd.)

1 from the state percent of growth for the year
2 following the budget year, as applicable. However, on
3 or before September 15, 1989, the department of
4 management shall recompute the state percent of growth
5 for the previous year in the manner provided in
6 section 442.7, Code 1989.

7 With regard to values of gross national product
8 implicit price deflators, the recomputation of the
9 state percent of growth for the previous year shall be
10 made only with respect to the value of the deflator
11 for the year which occurred subsequent to the
12 calculation of the state percent of growth for the
13 previous year. If subsection 4 is used in the
14 calculation of the state percent of growth for the
15 previous year, the calculation made in subsection 3,
16 paragraph "b", shall not be used in the recomputation
17 of the state percent of growth for the previous year."

DIVISION S—3292B

18 2. Page 45, by inserting before line 27 the
19 following:

20 "Sec. ____ . Section 20.17, Code 1989, is amended by
21 adding the following new subsection:
22 NEW SUBSECTION. 11. Notwithstanding any
23 conflicting provisions of this section or this
24 chapter, for the budget year beginning July 1, 1991,
25 and each odd-numbered budget year thereafter, a school
26 district and a bargaining representative of teachers
27 in the district shall negotiate the terms of a
28 collective bargaining agreement for the budget year
29 and for the year following the budget year, as defined
30 in chapter 257. In negotiating for the year following
31 the budget year, the parties shall consider not more
32 than fifty percent of the state percent of growth
33 calculated under section 257.8 for the year following
34 the budget year, as the state percent of growth for
35 calculating the moneys that will be available to
36 school districts for that budget year. The bargaining
37 representative and the school district shall also
38 negotiate in the agreement terms for the difference
39 between the revenues available to the school district
40 using fifty percent of the state percent of growth,
41 and for the revenues available using the entire state
42 percent of growth, that are contingent upon the
43 receipt of the revenues by the school district for

44 that budget year.”

45 3. By renumbering as necessary.

RICHARD J. VARN

S-3293

1 Amend House File 447, as amended, passed, and
2 reprinted by the House, as follows:

DIVISION S—3293A

3 1. By striking page 33, line 30 through page 34,
4 line 6, and inserting the following: “four years. A
5 public member shall have experience, knowledge, and
6 expertise of the subject matter embraced within this
7 chapter, including, but not limited to, one or more of
8 the following fields:

- 9 (1) Financial markets or insurance.
10 (2) Environmental or safety engineering.”

DIVISION S—3293B

11 2. Page 57, by inserting after line 9, the
12 following:
13 “Sec. ____ . Section 214A.18, Code 1989, is
14 repealed.”
15 3. By renumbering as necessary.

RICHARD F. DRAKE
JOE WELSH
BOB CARR
LINN FUHRMAN
WILLIAM W. DIELEMAN

S-3294

1 Amend Senate File 221 as follows:
2 1. Page 1, line 10, by striking the word
3 “resident”.
4 2. Page 1, line 11, by inserting after the word
5 “dealer.” the following: “A licensed fur dealer may
6 purchase location permits to operate at locations
7 other than at the location specified on the fur
8 dealers’ license. Each location permit shall be valid
9 only for the one location specified on the location
10 permit and shall entitle the fur dealer and employees,
11 agents, or representatives of the licensed fur dealer

12 to operate at that location.”

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

15 “Sec. ____ . Section 110.1, subsection 5, Code 1989,
16 is amended by adding the following new lettered
17 paragraphs following paragraph “e” and relettering the
18 remaining paragraph:

- 19 f. Location permit for resident fur dealers \$ 25.00
- 20 g. Location permit for nonresident fur dealers \$ 50.00”.

COMMITTEE ON NATURAL RESOURCES
KENNETH SCOTT, Chairperson

S-3295

1 Amend amendment, S-3133, to Senate File 214 as
2 follows:

- 3 1. Page 2, line 19, by inserting after the word
4 “boards” the following: “, however, the department
5 may require a local board or boards to remit the
6 portion of the fees necessary to cover the costs of
7 the department for monitoring and certifying local
8 programs and for engineering, training, and public
9 education support services”.

ELAINE SZYMONIAK

S-3296

1 Amend Senate File 362 as follows:

- 2 1. Page 13, line 32, by inserting after the word
3 “subsection” the following: “and minus thirteen
4 dollars”.
- 5 2. By striking page 17, line 24, through page 18,
6 line 7, and inserting the following:
7 “For the budget year beginning July 1, 1993, the
8 regular program district cost per pupil is the regular
9 program state cost per pupil for that budget year,
10 calculated under section 257.9, subsection 4.”

JOY CORNING

S-3297

1 Amend Senate File 413 as follows:

- 2 1. Page 1, line 15, by inserting after the figure
3 “516C.3.” the following: “This section does not apply

4 to motor vehicles rented by a person licensed as a new
5 motor vehicle dealer under chapter 322."

JACK NYSTROM
RICHARD RUNNING

S-3298

1 Amend Senate File 341 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 262.9, Code 1989, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 20. Assist a nonprofit
7 organization located in Sioux City in the creation of
8 a tristate graduate center, comparable to the quad
9 cities graduate center, located in the quad cities in
10 Iowa. The purpose of the Sioux City graduate center
11 shall be to create graduate education opportunities
12 for students living in northwest Iowa."
13 2. Title page, line 1, by striking the words
14 "reciprocal tuition rate agreements established" and
15 inserting the following: "the establishment of a
16 tristate graduate center".

COMMITTEE ON EDUCATION
LARRY MURPHY, Chairperson

S-3299

1 Amend Senate File 362 as follows:
2 1. Page 64, by inserting after line 27 the
3 following:
4 "Sec. 500. Section 280.13, Code 1989, is amended
5 to read as follows:
6 280.13 REQUIREMENTS FOR INTERSCHOLASTIC CONTESTS
7 AND COMPETITIONS.
8 A public school shall not participate in or allow
9 students representing a public school to participate
10 in any extracurricular interscholastic contest or
11 competition which is sponsored or administered by an
12 organization as defined in this section, unless the
13 organization is registered with the department of
14 education, files financial statements with the
15 department in the form and at the intervals prescribed
16 by the director of the department of education, allows
17 nonaccredited nonpublic schools to participate in
18 extracurricular interscholastic contests or

19 competitions, and is in compliance with rules which
20 the state board of education adopts for the proper
21 administration, supervision, operation, adoption of
22 eligibility requirements, and scheduling of
23 extracurricular interscholastic contests and
24 competitions and the organizations. For the purposes
25 of this section "organization" means a corporation,
26 association, or organization which has as one of its
27 primary purposes the sponsoring or administration of
28 extracurricular interscholastic contests or
29 competitions, but does not include an agency of this
30 state, a public or private school or school board, or
31 an athletic conference or other association whose
32 interscholastic contests or competitions do not
33 include more than twenty schools."

34 2. Page 90, line 1, by striking the word and
35 figure "and 111" and inserting the following: ", 111,
36 and 500".

RAY TAYLOR
LARRY MURPHY
JIM LIND

S-3300

1 Amend Senate File 434 as follows:
2 1. Page 1, by striking lines 1 through 6 and
3 inserting the following:
4 "Section 1. Section 602.8105, subsection 1,
5 paragraph a, Code 1989, is amended to read as follows:
6 a. For filing and docketing a petition other than
7 for modification of a dissolution decree ~~filed within~~
8 ~~one hundred eighty days of the date of the entering of~~
9 ~~the dissolution decree to which a written stipulation~~
10 is attached at the time of filing containing the
11 agreement of the parties to the terms of the
12 modification, or an appeal or writ of error, forty-
13 five dollars."
14 2. Page 1, by striking lines 19 through 23.
15 3. Renumber as necessary.

DONALD V. DOYLE

S-3301

1 Amend Senate File 327 as follows:
2 1. Page 1, by striking lines 15 through 18 and
3 inserting the following: "lessor that return of the

4 property is overdue is evidence of misappropriation.
 5 The notice shall be served by restricted certified
 6 mail, addressed to the bailee or lessee at the
 7 bailee's or lessee's mailing address. If service upon
 8 the bailee or lessee by restricted certified mail, is
 9 unsuccessful, the bailor or lessor shall cause the
 10 notice to be served as provided in Iowa rule of civil
 11 procedure 56.1. A prosecution for misappropriation of
 12 personal property against a bailee or lessee shall not
 13 be commenced until the bailee or lessee is served with
 14 notice as provided in this subsection."

JOHN P. KIBBIE

HOUSE AMENDMENT TO
 SENATE FILE 119

S-3302

1 Amend Senate File 119, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by inserting after line 14 the fol-
 4 lowing:
 5 "Section 100. Section 8.6, subsection 1, paragraph
 6 c, Code 1989, is amended to read as follows:
 7 c. For the proposed budget year, an estimate of
 8 revenue from all sources, other than revenue to be
 9 received from property taxation, separately stated as
 10 to each such source, to be allocated to each of the
 11 several funds, and for each fund the actual or
 12 estimated unencumbered cash balance, whichever is
 13 applicable, to be available at the beginning of the
 14 year, the amount proposed to be received from property
 15 taxation allocated to each fund, and the amount
 16 proposed to be expended during the year plus the
 17 amount of cash reserve, based on actual experience of
 18 prior years, which shall be the necessary cash reserve
 19 of the budget adopted exclusive of capital outlay
 20 items. The estimated expenditures plus the required
 21 cash reserve for the ensuing fiscal year less all
 22 estimated or actual unencumbered balances at the
 23 beginning of the year and less the estimated income
 24 from all sources other than property taxation shall
 25 equal the amount to be received from property taxes,
 26 and such amount shall be shown on the proposed budget
 27 estimate. However, the proposed budget expenditures
 28 for the ensuing year shall not include any estimated
 29 or actual unencumbered balances of appropriations at

30 the end of the current fiscal year.

31 Sec. 101. Section 8.6, subsection 9, paragraph g,
32 Code 1989, is amended to read as follows:

33 g. A detailed statement of all appropriations made
34 during the two preceding fiscal years, also of
35 unexpended balances of appropriations at the end of
36 the last fiscal year and estimated balances at the end
37 of the current fiscal year. The budget report,
38 however, shall not include any estimated unexpended
39 balances of appropriations at the end of the current
40 fiscal year as proposed expenditures for the ensuing
41 fiscal year.

42 Sec. 102. Section 8.22, subsection 1, Code 1989,
43 is amended to read as follows:

44 1. The governor's program for meeting all the
45 expenditure needs of the government for the fiscal
46 year, indicating the classes of funds, general or
47 special, from which appropriations are to be made and
48 the means through which the expenditures shall be
49 financed. However, the governor's program shall not
50 include any estimated unexpended balances of

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1 appropriations at the end of the current fiscal year
2 as proposed expenditures for the ensuing fiscal year."

3 2. Page 2, by inserting after line 11 the
4 following:

5 "Sec. ____ . Section 8.35A, subsection 1, Code 1989,
6 is amended to read as follows:

7 1. By July 1 the director of the department of
8 management shall provide a projected expenditure
9 breakdown of each appropriation for the beginning
10 fiscal year to the legislative fiscal bureau in the
11 form and level of detail requested by the bureau. By
12 the fifteenth of each month, the director shall
13 transmit to the legislative fiscal bureau a record for
14 each appropriation of actual expenditures for the
15 prior month of the fiscal year and the fiscal year to
16 date in the form and level of detail as requested by
17 the bureau. By ~~November~~ October 1 the director shall
18 transmit the total record of an appropriation,
19 including reversions and transfers for the prior
20 fiscal year ending June 30, to the legislative fiscal
21 bureau."

22 3. Page 2, by inserting after line 24 the
23 following:

24 "Sec. ____ . Section 421.16, Code 1989, is amended
25 to read as follows:

26 421.16 EXPENSES.

27 The director, deputy directors, secretary, and
 28 assistants are entitled to receive from the state
 29 their actual necessary expenses while traveling on the
 30 business of the department. The expenditures shall be
 31 sworn to by the party who incurred the expense, and
 32 approved and allowed by the director. However, ~~no~~
 33 such ~~expense~~ expenses shall not be allowed ~~the~~
 34 ~~director, deputy directors, secretary, or employees of~~
 35 ~~the department~~ residents of Polk county while in the
 36 city of Des Moines or traveling between their homes
 37 and the city of Des Moines."

38 4. Page 3, by inserting after line 20 the
 39 following:

40 "Sec. ____ . Sections 100 through 102 of this Act
 41 take effect July 1, 1990, and apply to the
 42 preparations of the proposed state budget for each
 43 fiscal year which begins on or after July 1, 1991."

44 5. Title page, line 5, by inserting after the
 45 word "claims," the following: "providing effective
 46 and applicability dates,".

47 6. By renumbering, relettering, or redesignating
 48 and correcting internal references as necessary.

S-3303

1 Amend Senate File 485 as follows:

2 1. Page 1, by striking line 5 and inserting the
 3 following:

4 "Sec. ____ . This Act, being deemed of immediate
 5 importance, takes effect upon enactment."

JACK W. HESTER

S-3304

1 Amend Senate File 188 as follows:

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

4 "Sec. ____ . This Act, being deemed of immediate
 5 importance, takes effect upon enactment."

6 2. Title, line 2, by inserting after the word
 7 "magistrate" the following: ", and providing an
 8 effective date".

JACK W. HESTER

S-3305

1 Amend Senate File 220 as follows:

2 1. Page 1, line 20, by striking the words

3 "property tax,".

4 2. Page 1, line 22, by inserting after the word

5 "chapter." the following: "All property used in the

6 operation of a race track pursuant to this chapter is

7 exempt from property tax."

CALVIN O. HULTMAN

S-3306

1 Amend House File 447, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 46, by inserting after line 33, the
4 following:

5 "7. A loan loss reserve account shall be
6 established within the loan guarantee account. A
7 default on a loan guaranteed under this section shall
8 be paid from such reserve account. In administering
9 the program the board shall not guarantee loan values
10 in excess of the amount credited to the reserve
11 account and only moneys set aside in the reserve
12 account may be used for the payment of a default. A
13 default is not eligible for payment until the lender
14 has satisfied all administrative and legal remedies
15 for settlement of the loan and the loan has been
16 reduced to judgment by the lender. After the default
17 has been reduced to judgment and the guarantee paid
18 from the reserve account, the board is entitled to an
19 assignment of the judgment. The board shall take all
20 appropriate action to enforce the judgment or may
21 enter into an agreement with the lender to provide for
22 enforcement. Upon collection of the amount
23 guaranteed, any excess collected shall be deposited
24 into the fund. The general assembly is not obligated
25 to appropriate any moneys to pay for any defaults or
26 to appropriate any moneys to be credited to the
27 reserve account. The loan guarantee program does not
28 obligate the state or the board except to the extent
29 provided in this section, and the board in
30 administering the program shall not give or lend the
31 credit of the state of Iowa."

32 2. Page 57, line 5, by inserting after the figure
33 "2004" the following: ", subject to the
34 qualifications of section 455G.11, subsection 6".

- 35 3. Page 57, line 7, by inserting after the figure
36 "1999" the following: ", except such repeal shall not
37 effect any outstanding contractual rights".
- 38 4. Page 57, line 9, by inserting after the figure
39 "2009" the following: ", except as such sections
40 apply with respect to any outstanding bonds issued
41 thereunder, or refinancing of such outstanding bonds".
- 42 5. By renumbering as necessary.

EMIL J. HUSAK

S-3307

1 Amend House File 447, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 6, by inserting after line 33, the
4 following:

5 "Sec. ____ . NEW SECTION. 101.101 DEFINITIONS.

6 As used in this part unless the context otherwise
7 requires:

8 1. "Nonoperational aboveground tank" means an
9 aboveground storage tank in which regulated substances
10 are not deposited or from which regulated substances
11 are not dispensed after July 1, 1989.

12 2. "Operator" means a person in control of, or
13 having responsibility for, the daily operation of the
14 aboveground storage tank.

15 3. "Owner" means:

16 a. In the case of an aboveground storage tank in
17 use on or after July 1, 1989, a person who owns the
18 aboveground storage tank used for the storage, use, or
19 dispensing of regulated substances.

20 b. In the case of an aboveground storage tank in
21 use before July 1, 1989, but no longer in use on that
22 date, a person who owned the tank immediately before
23 the discontinuation of its use.

24 4. "Regulated substance" means regulated substance
25 as defined in section 455B.471.

26 5. "Release" means spilling, leaking, emitting,
27 discharging, escaping, leaching, or disposing from an
28 aboveground storage tank into groundwater, surface
29 water, or subsurface soils.

30 6. "Aboveground storage tank" means one or a
31 combination of tanks, including connecting pipes
32 connected to the tanks which are used to contain an
33 accumulation of regulated substances and the volume of
34 which, including the volume of the underground pipes,
35 is more than ninety percent above the surface of the
36 ground. Aboveground storage tank does not include any

37 of the following:

38 a. Aboveground tanks of one thousand one hundred
39 gallons or less capacity used for storing motor fuel
40 for noncommercial purposes.

41 b. Tanks used for storing heating oil for
42 consumptive use on the premises where stored.

43 c. Underground storage tanks as defined by section
44 455B.471.

45 7. "Tank site" means a tank or grouping of tanks
46 within close proximity of each other located on the
47 facility for the purpose of storing regulated
48 substances.

49 8. "State fire marshal" means the state fire
50 marshal, or the state fire marshal's designee.

Page 2

1 Sec. ____ . NEW SECTION. 101.102 REPORT OF
2 EXISTING AND NEW TANKS -- FEE.

3 1. Except as provided in subsection 2, the owner
4 or operator of an aboveground storage tank existing on
5 or before July 1, 1989, shall notify the state fire
6 marshal in writing by May 1, 1990, of the existence of
7 each tank and specify the age, size, type, location,
8 and uses of the tank.

9 2. The owner of an aboveground storage tank taken
10 out of operation between January 1, 1979 and July 1,
11 1989, shall notify the state fire marshal in writing
12 by July 1, 1990, of the existence of the tank unless
13 the owner knows the tank has been removed. The notice
14 shall specify to the extent known to the owner, the
15 date the tank was taken out of operation, the age of
16 the tank on the date taken out of operation, the size,
17 type, and location of the tank, and the type and
18 quantity of substances left stored in the tank on the
19 date that it was taken out of operation.

20 3. An owner or operator which brings into use an
21 aboveground storage tank after July 1, 1989, shall
22 notify the state fire marshal in writing within thirty
23 days of the existence of the tank and specify the age,
24 size, type, location, and uses of the tank.

25 4. The registration notice of the owner or
26 operator to the state fire marshal under subsections 1
27 through 3 shall be accompanied by a fee of twenty-five
28 dollars for each tank included in the notice. All
29 moneys collected shall be deposited in the general
30 fund.

31 5. A person who deposits a regulated substance in
32 an aboveground storage tank shall notify the owner or
33 operator in writing of the notification requirements

34 of this section.

35 6. A person who sells or constructs a tank
36 intended to be used as an aboveground storage tank
37 shall notify the purchaser of the tank in writing of
38 the notification requirements of this section
39 applicable to the purchaser.

40 7. It shall be unlawful to deposit a regulated
41 substance in an aboveground storage tank which has not
42 been registered pursuant to subsections 1 through 5.

43 The state fire marshal shall furnish the owner or
44 operator of an aboveground storage tank with a
45 registration tag for each aboveground storage tank
46 registered with the state fire marshal. The owner or
47 operator shall affix the tag to the fill pipe of each
48 registered aboveground storage tank. A person who
49 conveys or deposits a regulated substance shall
50 inspect the aboveground storage tank to determine the

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1 existence or absence of the registration tag. If a
2 registration tag is not affixed to the aboveground
3 storage tank fill pipe, the person conveying or
4 depositing the regulated substance may deposit the
5 regulated substance in the unregistered tank provided
6 that the deposit is allowed only in the single
7 instance, that the person reports the unregistered
8 tank to the state fire marshal, and that the person
9 provides the owner or operator with an aboveground
10 storage tank registration form and informs the owner
11 or operator of the aboveground storage tank
12 registration requirements. The owner or operator is
13 allowed fifteen days following the report to the state
14 fire marshal of the owner's or operator's unregistered
15 tank to comply with the registration requirements. If
16 an owner or operator fails to register the reported
17 aboveground storage tank during the fifteen-day
18 period, the owner or operator shall pay a fee of
19 twenty-five dollars upon registration of the tank.

20 Sec. ____ . NEW SECTION. 101.103 STATE FIRE
21 MARSHAL REPORTING RULES.

22 The state fire marshal shall adopt rules pursuant
23 to chapter 17A relating to reporting requirements
24 necessary to enable the state fire marshal to maintain
25 an accurate inventory of aboveground storage tanks.

26 Sec. ____ . NEW SECTION. 101.104 DUTIES AND POWERS
27 OF THE STATE FIRE MARSHAL.

28 The state fire marshal shall:

29 1. Inspect and investigate the facilities and
30 records of owners and operators of aboveground storage

31 tanks as may be necessary to determine compliance with
32 this part and the rules adopted pursuant to this part.

33 An inspection or investigation shall be conducted
34 subject to subsection 4. For purposes of developing a
35 rule, maintaining an accurate inventory or enforcing
36 this part, the department may:

37 a. Enter at reasonable times any establishment or
38 other place where an aboveground storage tank is
39 located.

40 b. Inspect and obtain samples from any person of a
41 regulated substance and conduct monitoring or testing
42 of the tanks, associated equipment, contents or
43 surrounding soils, air, surface water and groundwater.
44 Each inspection shall be commenced and completed with
45 reasonable promptness.

46 (1) If the state fire marshal obtains a sample,
47 prior to leaving the premises, the fire marshal shall
48 give the owner, operator, or agent in charge a receipt
49 describing the sample obtained and if requested a
50 portion of each sample equal in volume or weight to

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1 the portion retained. If the sample is analyzed, a
2 copy of the results of the analysis shall be furnished
3 promptly to the owner, operator, or agent in charge.

4 (2) Documents or information obtained from a
5 person under this subsection shall be available to the
6 public except as provided in this subparagraph. Upon
7 a showing satisfactory to the state fire marshal by a
8 person that public disclosure of documents or
9 information, or a particular part of the documents or
10 information to which the state fire marshal has access
11 under this subsection would divulge commercial or
12 financial information entitled to protection as a
13 trade secret, the state fire marshal shall consider
14 the documents or information or the particular portion
15 of the documents or information confidential.
16 However, the document or information may be disclosed
17 to officers, employees, or authorized representatives
18 of the United States charged with implementing the
19 federal Solid Waste Disposal Act, to employees of the
20 state of Iowa or of other states when the document or
21 information is relevant to the discharge of their
22 official duties, and when relevant in any proceeding
23 under the federal Solid Waste Disposal Act or this
24 part.

25 2. Maintain an accurate inventory of aboveground
26 storage tanks.

27 3. Take any action allowed by law which, in the

28 state fire marshal's judgment, is necessary to enforce
29 or secure compliance with this division or any rule
30 adopted pursuant to this division.
31 4. Conduct investigations of complaints received
32 directly, referred by other agencies, or other
33 investigations deemed necessary. While conducting an
34 investigation, the state fire marshal may enter at any
35 reasonable time in and upon any private or public
36 property to investigate any actual or possible
37 violation of this division or the rules or standards
38 adopted under this division. However, the owner or
39 person in charge shall be notified.
40 a. If the owner or operator of any property
41 refuses admittance, or if prior to such refusal the
42 state fire marshal demonstrates the necessity for a
43 warrant, the state fire marshal may make application
44 under oath or affirmation to the district court of the
45 county in which the property is located for the
46 issuance of a search warrant.
47 b. In the application the state fire marshal shall
48 state that an inspection of the premises is mandated
49 by the laws of this state or that a search of certain
50 premises, areas, or things designated in the

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1 application may result in evidence tending to reveal
2 the existence of violations of public health, safety,
3 or welfare requirements imposed by statutes, rules, or
4 ordinances established by the state or a political
5 subdivision of the state. The application shall
6 describe the area, premises, or thing to be searched,
7 give the date of the last inspection if known, give
8 the date and time of the proposed inspection, declare
9 the need for such inspection, recite that notice of
10 the desire to make an inspection has been given to
11 affected persons and that admission was refused if
12 that be the fact, and state that the inspection has no
13 purpose other than to carry out the purpose of the
14 statute, rule, or ordinance pursuant to which
15 inspection is to be made. If an item of property is
16 sought by the state fire marshal it shall be
17 identified in the application.
18 c. If the court is satisfied from the examination
19 of the applicant, and of other witnesses, if any, and
20 of the allegations of the application of the existence
21 of the grounds of the application, or that there is
22 probable cause to believe in their existence, the
23 court may issue a search warrant.
24 d. In making inspections and searches pursuant to

25 the authority of this division, the state fire marshal
26 must execute the warrant as follows:

27 (1) Within ten days after its date.

28 (2) In a reasonable manner, and any property
29 seized shall be treated in accordance with the
30 provisions of chapters 808 and 809.

31 (3) Subject to any restrictions imposed by the
32 statute, rule or ordinance pursuant to which
33 inspection is made.

34 Sec. ____ . NEW SECTION. 101.105 VIOLATIONS --
35 ORDERS.

36 1. If substantial evidence exists that a person
37 has violated or is violating a provision of this
38 division or a rule adopted under this division the
39 state fire marshal may issue an order directing the
40 person to desist in the practice which constitutes the
41 violation, and to take corrective action as necessary
42 to ensure that the violation will cease, and may
43 impose appropriate administrative penalties pursuant
44 to section 101.106. The person to whom the order is
45 issued may appeal the order as provided in chapter
46 17A. On appeal, the administrative law judge may
47 affirm, modify, or vacate the order of the state fire
48 marshal.

49 2. However, if it is determined by the state fire
50 marshal that an emergency exists respecting any matter

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1 affecting or likely to affect the public health, the
2 fire marshal may issue any order necessary to
3 terminate the emergency without notice and without
4 hearing. The order is binding and effective
5 immediately and until the order is modified or vacated
6 at an administrative hearing or by a district court.

7 3. The state fire marshal may request the attorney
8 general to institute legal proceedings pursuant to
9 section 101.106.

10 Sec. ____ . NEW SECTION. 101.106 PENALTIES --
11 BURDEN OF PROOF.

12 1. A person who violates this division or a rule
13 or order adoption issued pursuant to this division is
14 subject to a civil penalty not to exceed one hundred
15 dollars for each day during which the violation
16 continues, up to a maximum of one thousand dollars;
17 however, if the tank is registered within thirty days
18 after the state fire marshal issues a cease and desist
19 order pursuant to section 101.105, subsection 1, the
20 civil penalty under this section shall not accrue.
21 The civil penalty is an alternative to a criminal

22 penalty provided under this division.

23 2. A person who knowingly fails to notify or makes
24 a false statement, representation, or certification in
25 a record, report, or other document filed or required
26 to be maintained under this division, or violates an
27 order issued under this division, is guilty of an
28 aggravated misdemeanor.

29 3. The attorney general, at the request of the
30 state fire marshal, shall institute any legal
31 proceedings, including an action for an injunction,
32 necessary to enforce the penalty provisions of this
33 division or to obtain compliance with the provisions
34 of this division or rules adopted or order pursuant to
35 this division. In any action, previous findings of
36 fact of the state fire marshal after notice and
37 hearing are conclusive if supported by substantial
38 evidence in the record when the record is viewed as a
39 whole.

40 4. In all proceedings with respect to an alleged
41 violation of this division or a rule adopted or order
42 issued by the state fire marshal pursuant to this
43 division, the burden of proof is upon the state fire
44 marshal.

45 5. If the attorney general has instituted legal
46 proceedings in accordance with this section, all
47 related issues which could otherwise be raised by the
48 alleged violator, in a proceeding for judicial review
49 under section 101.107 shall be raised in the legal
50 proceedings instituted in accordance with this

Page 7

1 section.

2 Sec. ____ . NEW SECTION. 101.107 JUDICIAL REVIEW.

3 Except as provided in section 101.106, subsection
4 5, judicial review of an order or other action of the
5 state fire marshal may be sought in accordance with
6 chapter 17A. Notwithstanding chapter 17A, the Iowa
7 administrative procedure Act, petitions for judicial
8 review may be filed in the district court of the
9 county in which the alleged offense was committed or
10 the final order was entered.

11 Sec. ____ . NEW SECTION. 101.108 FEES FOR
12 CERTIFICATION INSPECTIONS OF UNDERGROUND STORAGE
13 TANKS.

14 The state fire marshal, the state fire marshal's
15 designee, or a local fire marshal, authorized to
16 conduct underground storage tank certification
17 inspections under section 455G.11, subsection 7, shall
18 charge the person requesting a certification

19 inspection a fee to recover the costs of authorized
20 training, inspection, and inspection program
21 administration subject to rules adopted by the state
22 fire marshal.”

23 2. Page 22, by inserting after line 35, the
24 following:

25 “Sec. ____ . NEW SECTION. 424.18 EFFECTIVE DATE.

26 The environmental protection charge is imposed
27 beginning July 1, 1989. For all deposits subject to
28 the charge made on or after July 1, 1989, the
29 depositor and receiver are obligated to pay the charge
30 as provided in this chapter. The amount of the
31 initial environmental protection charge as calculated
32 after determination of the cost factor by the board
33 and the required forms and procedures shall be
34 published in the Iowa administrative bulletin prior to
35 July 1, 1989.”

36 3. Page 25, by inserting before line 35, the
37 following:

38 “Sec. ____ . Section 455B.474, subsection 1, Code
39 1989, is amended by adding the following new
40 paragraph:

41 NEW PARAGRAPH. f. Assessment plans for taking
42 required release corrective action. The department
43 shall mail a copy of the approved release assessment
44 plan to the owner or operator of an underground
45 storage tank, the copy mailed to the owner or operator
46 shall be in addition to any copies provided to a
47 contractor or agent of the owner or operator.”

48 4. Page 26, line 14, by inserting after the word
49 “penalties” the following: “or other damages or
50 moneys”.

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1 5. Page 26, line 19, by inserting after the word
2 “budget.” the following: “Any federal moneys,
3 including but not limited to federal underground
4 storage tank trust fund moneys, received by the state
5 or the department of natural resources in connection
6 with a release occurring on or after the effective
7 date of this Act or received generally for underground
8 storage tank programs on or after the effective date
9 of this Act, shall be credited to the fund created in
10 section 455G.3 and allocated between fund accounts
11 according to the fund budget, unless such use would be
12 contrary to federal law. The department shall
13 cooperate with the board of the Iowa comprehensive
14 petroleum underground storage tank fund to maximize
15 the state's eligibility for and receipt of federal

16 funds for underground storage tank related purposes.”

17 6. Page 26, line 27, by striking the words “one
18 facility” and inserting the following: “at least two
19 facilities”.

20 7. Page 26, line 29, by striking the word “The”
21 and inserting the following: “A designated”.

22 8. Page 26, line 34, by striking the word “the”
23 and inserting the following: “a”.

24 9. Page 27, line 4, by striking the words “the
25 designated tank disposal facility” and inserting the
26 following: “a designated facility”.

27 10. Page 27, line 8, by striking the word “The”
28 and inserting the following: “A designated”.

29 11. Page 27, line 12, by striking the word “the”
30 and inserting the following: “a”.

31 12. Page 31, line 4, by inserting after the word
32 “liability.” the following: “Corrective action
33 includes the expenses incurred to prepare an
34 assessment plan for approval by the department of
35 natural resources detailing the planned response to a
36 release or suspected release, but not necessarily all
37 actions proposed to be taken by an assessment plan.”

38 13. Page 42, by striking line 20, and inserting
39 the following:

40 “a. (1) Corrective action for an eligible release
41 reported to the department of natural resources on or
42 after April 1, 1988, but prior to the effective date
43 of this Act. Third-party liability is specifically
44 excluded from remedial account coverage. For a claim
45 for a release under this subparagraph, the remedial
46 program shall pay no more than the lesser of twenty-
47 five thousand dollars or one-third of the total costs
48 of corrective action for that release, subsection 4
49 notwithstanding. For a release to be eligible for
50 coverage under this subparagraph the following

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1 conditions must be satisfied:

2 (a) The owner or operator applying for coverage
3 must be currently engaged in the business for which
4 the tank connected with the release was used prior to
5 the report of the release.

6 (b) The owner or operator applying for coverage
7 shall not be a person who is maintaining, or has
8 maintained, proof of financial responsibility for
9 federal regulations through self-insurance.

10 (c) The owner or operator applying for coverage
11 shall not have claimed bankruptcy any time on or after
12 April 1, 1988.

13 (d) The claim for coverage pursuant to this
14 subparagraph must have been filed with the board prior
15 to January 31, 1990.

16 Total payments for claims pursuant to this
17 subparagraph are limited to no more than six million
18 dollars. Claims for eligible releases shall have
19 priority according to their date of filing with the
20 board, with the first claim having first priority. If
21 claims remain unpaid after the total payments equal
22 six million dollars, all remaining claims are void,
23 and no entitlement exists for further payment.
24 (2) Corrective action for a release reported to
25 the”.

26 14. Page 45, by inserting after line 3, the
27 following:

28 “7. RECURRING RELEASES TREATED AS A NEWLY REPORTED
29 RELEASE. A release shall be treated as a release
30 reported on or after the effective date of this Act if
31 prior to the effective date of this Act a release was
32 reported to the department, corrective action was
33 taken pursuant to an assessment plan approved by the
34 department, and the work performed was accepted by the
35 department. For purposes of this subsection, work
36 performed is accepted by the department if the
37 department did not order further action within ninety
38 days of the date on which the department had notice
39 that the work was completed, unless the department
40 clearly indicated in writing to the owner, operator,
41 contractor, or other agent that additional work would
42 be required beyond that specified in the assessment
43 plan or in addition to the work actually performed.”

44 15. Page 45, line 6, by striking the word “tank”
45 and inserting the following: “the following purposes:

46 a. All or a portion of the expenses incurred by
47 the applicant small business for its share of
48 corrective action.

49 b. Tank”.

50 16. Page 45, by striking line 8, and inserting

Page 10

1 the following: “standards to become insurable.

2 Moneys from the”.

3 17. Page 45, by striking lines 23 through 33, and

4 inserting the following:

5 “3. The board shall administer the loan guarantee
6 account. The board may delegate administration of the
7 account, provided that the administrator is subject to
8 the board’s direct supervision and direction. The
9 board shall adopt rules regarding the provision of

10 loan guarantees to financially qualified small
 11 businesses for the purposes permitted by subsection 1.
 12 The board may impose such".
 13 18. Page 48, by striking lines 4 through 8 and
 14 inserting the following: "account in establishing
 15 premiums. It is the intent of the general assembly
 16 that an".
 17 19. Page 48, by striking lines 28 through 34.
 18 20. Page 55, by inserting after line 26, the
 19 following:
 20 " ____ . The department of natural resources shall
 21 adopt approved curricula for training persons to
 22 conduct corrective actions consistent with the
 23 requirements of the department of natural resources."
 24 21. Page 57, by inserting after line 3, the
 25 following:
 26 "Sec. ____ . The Code editor shall codify sections
 27 101.101 through 101.108 as a new division II of
 28 chapter 101."
 29 22. By renumbering, relettering, or redesignating
 30 and correcting internal references as necessary.

EMIL HUSAK
 MICHAEL GRONSTAL
 PATRICK DELUHERY
 PAUL PATE
 H. KAY HEDGE
 JACK RIFE

S-3308

1 Amend Senate File 362 as follows:
 2 1. By striking page 24, line 35, through page 26,
 3 line 8.
 4 2. By renumbering as necessary.

WALLY HORN
 JOY CORNING

S-3309

1 Amend Senate File 472 as follows:
 2 1. Page 1, by striking lines 32 and 33 and
 3 inserting the following: "teaching certificate issued
 4 under chapter 260."
 5 2. Page 3, line 11, by striking the words
 6 "QUALIFICATIONS OF" and inserting the following:
 7 "PUPIL-TEACHER RATIO FOR".

8 3. Page 3, lines 15 and 16, by striking the words
9 "who holds a bachelor's degree from a postsecondary
10 institution".

11 4. Page 6, line 23, by striking the words
12 "private or".

WALLY HORN

S-3310

1 Amend Senate File 419 as follows:

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

4 "Sec. — . NEW SECTION. 93.13A ENERGY
5 CONSERVATION MEASURES IDENTIFIED.

6 The state, state agencies, political subdivisions
7 of the state, schools, area education agencies, and
8 area schools shall identify and implement, through
9 energy audits and engineering analyses, all energy
10 conservation measures identified for which financing
11 is made available by the department to the entity.
12 The energy conservation measure financings shall be
13 supported through payments from energy savings."

14 2. Page 2, by inserting after line 1 the
15 following:

16 "Sec. — . NEW SECTION. 93.18 RETAIL AIR
17 CONDITIONER SALES.

18 After July 1, 1993, a person shall not sell at
19 retail new air conditioners not meeting the minimum
20 seasonal energy efficiency ratios required under this
21 section. A violation of this section is a simple
22 misdemeanor. For the one-year period commencing July
23 1, 1993, and ending June 30, 1994, new air
24 conditioners sold at retail with a capacity over
25 sixty-five thousand British thermal units per hour
26 shall have a minimum seasonal energy efficiency ratio
27 of nine point nine. For the one-year period
28 commencing July 1, 1993, and ending June 30, 1994, new
29 air conditioners sold at retail with a capacity less
30 than or equal to sixty-five thousand British thermal
31 units per hour shall have a minimum seasonal energy
32 efficiency ratio of nine. For each succeeding one-
33 year period the minimum seasonal energy efficiency
34 ratio shall be increased by five percent until the
35 minimum energy efficiency ratio for that class of air
36 conditioner reaches fourteen.

37 As used in this section, "seasonal energy
38 efficiency ratio" means the seasonal energy efficiency
39 ratio as established by the air conditioning and

40 refrigeration institute, "at retail" means to dispose
 41 of an air conditioner to a person who will devote it
 42 to a consumer use, and "new air conditioner" means an
 43 air conditioner which has not been previously sold at
 44 retail."

45 3. Page 2, by inserting before line 2, the
 46 following:

47 "Sec. ____ . Section 103A.8A, Code 1989, is amended
 48 to read as follows:

49 103A.8A MINIMUM ENERGY EFFICIENCY STANDARD.

50 The state building code commissioner shall adopt as

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1 a part of the state building code a requirement that
 2 new single-family or two-family residential
 3 construction shall meet an established minimum energy
 4 efficiency standard. The standard shall be stated in
 5 terms of the home heating index developed by the
 6 physics department at Iowa state university of science
 7 and technology. The minimum standard shall be the
 8 average energy consumption of new single-family or
 9 two-family residential construction as determined by a
 10 survey conducted by the energy and geological
 11 resources division of the department of natural
 12 resources of the average actual energy consumption, as
 13 expressed in terms of the home heating index.
 14 However, after January 1, 1992, the minimum standard
 15 shall be a home heating index of four point five and
 16 after January 1, 1995, the minimum standard shall be a
 17 home heating index of four. The minimum standard
 18 shall only apply to single-family or two-family
 19 residential construction commenced after the adoption
 20 of the standard."

21 4. Page 2, by inserting before line 2 the
 22 following:

23 "Sec. ____ . **NEW SECTION. 262.69A PURCHASE OF FUEL**
 24 **EFFICIENT AUTOMOBILES.**

25 Institutions under the control of the state board
 26 of regents shall purchase only new automobiles which
 27 have at least the fuel economy required for purchase
 28 of new automobiles by the state vehicle dispatcher
 29 under section 18.115, subsection 4. This section does
 30 not apply to automobiles purchased for law enforcement
 31 purposes."

32 5. Page 2, by striking lines 7 and 8, and
 33 inserting the following: "for its ultrahigh frequency
 34 transmitters."

35 6. Page 2, line 9, by striking the word "STREET".

36 7. Page 2, by striking lines 11 through 13 and

37 inserting the following:

38 "All city-owned exterior flood lighting, including
39 but not limited to, street and security lighting,
40 shall be replaced when worn-out exclusively with high
41 pressure sodium lighting or lighting with equivalent
42 or better".

43 8. Page 2, by inserting after line 16, the fol-
44 lowing:

45 "Sec. ____ . NEW SECTION. 364.24 TRAFFIC LIGHT
46 SYNCHRONIZATION.

47 After July 1, 1992, all cities with more than three
48 traffic lights within the corporate limits shall
49 establish a traffic light synchronization program in
50 accordance with rules adopted by the state department

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1 of transportation. The state department of
2 transportation shall adopt rules required by this
3 section by July 1, 1990."

4 9. Page 2, by striking lines 27 and 28 and
5 inserting the following: "types of city-owned or
6 utility-owned lighting which shall be used in
7 providing energy efficient exterior lighting under
8 sections 364.23 and 476.62."

9 10. Page 2, by inserting before line 29 the
10 following:

11 "Sec. ____ . NEW SECTION. 476.34 FORECAST DATA.

12 By July 1, 1991, the division shall adopt rules
13 designed to collect forecasted base and peak capacity
14 data for all classes of natural gas and electric
15 utility customers. The division shall maintain
16 independent natural gas and electric forecasts. All
17 public utilities shall supply data to the division as
18 required by rule."

19 11. Page 2, by inserting before line 29 the
20 following:

21 "Sec. ____ . NEW SECTION. 476.62 ENERGY EFFICIENT
22 LIGHTING REQUIRED.

23 All public utility-owned exterior flood lighting,
24 including but not limited to street and security
25 lighting, shall be replaced when worn-out exclusively
26 with high pressure sodium lighting or lighting with
27 equivalent or better energy efficiency as approved in
28 rules adopted by the board."

29 12. Page 2, by inserting before line 29, the
30 following:

31 "Sec. ____ . NEW SECTION. 476.63 ENERGY
32 CONSERVATION AND EFFICIENCY PROGRAMS.

33 The division shall consult with the energy and

34 geological resources division of the department of
 35 natural resources in the development and
 36 implementation of public utility energy conservation
 37 and efficiency programs.”

38 13. Page 3, line 5, by inserting after the figure
 39 “1989” the following: “and 1990”.

40 14. Page 3, line 6, by striking the words “or
 41 offices” and inserting the following: “area or
 42 areas”.

43 15. Page 3, line 10, by striking the figure
 44 “1990” and inserting the figure “1991”.

45 16. By striking page 3, line 20 through page 4,
 46 line 1 and inserting the following:

47 “Sec. ____ . STUDY -- TELECOMMUTING DEMONSTRATION.

48 The director of the department of personnel shall in a
 49 study identify state employees who could telecommute
 50 one or more days during the work week. The director

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1 of the department of personnel shall report on the
 2 results of the study to the governor and the general
 3 assembly by January 15, 1990. The report shall
 4 identify those positions in state government where the
 5 employees could telecommute one or more days during
 6 their work week and estimate the resulting energy
 7 savings if such a plan were implemented. The report
 8 shall also include a statement as to the effects
 9 telecommuting would have on state employee morale and
 10 work efficiency as well as an estimate of any start-up
 11 costs which would be incurred by the state.”

COMMITTEE ON ENVIRONMENT
 AND ENERGY UTILITIES
 PAT DELUHERY, Chairperson

S-3311

1 Amend House File 447, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 7, by striking lines 2 and 3, and
 4 inserting the following:

5 “The authority shall assist the Iowa comprehensive
 6 petroleum underground storage tank fund as provided in
 7 chapter 455G and the authority shall have all of the
 8 powers that the Iowa comprehensive petroleum
 9 underground storage tank fund board possesses and
 10 which that board delegates to the authority in a
 11 chapter 28E agreement or a contract between the

12 authority and the Iowa comprehensive petroleum
13 underground storage tank fund board with respect to
14 the issuance and securing of bonds and carrying out
15 the purposes of chapter 455G.”
16 2. Page 7, line 17, by striking the word “may”
17 and inserting the following: “shall”.
18 3. Page 7, by inserting after line 18, the
19 following:
20 “4. The board shall retain rulemaking authority,
21 but may contract with the department for assistance in
22 drafting rules. The board shall retain contested case
23 jurisdiction over any challenge to the diminution rate
24 or cost factor. The department shall conduct all
25 other contested cases and be responsible for other
26 agency action in connection with the environmental
27 protection charge imposed under this chapter.”
28 4. Page 8, line 16, by inserting after the figure
29 “1.” the following: “An environmental protection
30 charge is imposed upon diminution.”
31 5. Page 8, line 18, by inserting after the word
32 “section” the following: “on diminution”.
33 6. Page 8, by striking line 31, and inserting the
34 following: “maintain the financial soundness of the
35 fund, but not to exceed an amount reasonably necessary
36 to assure financial soundness, in light of”.
37 7. Page 9, by striking lines 28 through 31.
38 8. Page 10, line 12, by striking the word
39 “director” and inserting the following: “board”.
40 9. Page 10, line 15, by striking the word
41 “director” and inserting the following: “board”.
42 10. Page 10, line 23, by inserting after the word
43 “tax” the following: “or charge”.
44 11. Page 10, line 24, by inserting after the word
45 “tax” the following: “or charge”.
46 12. Page 10, line 27, by inserting after the word
47 “tax” the following: “or charge”.
48 13. Page 10, line 34, by inserting after the word
49 “department” the following: “, or rule or order of
50 the board pursuant to this chapter.”.

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1 14. Page 13, by striking lines 15 and 16, and
2 inserting the following: “return shall show
3 information relating to the”.
4 15. Page 13, by striking lines 18 and 19, and
5 inserting the following: “charge, and any claimed
6 exemptions or exclusions from the charge, a
7 calculation of charges”.
8 16. Page 13, by inserting after line 33, the

9 following:

10 "4. Upon receipt of a payment pursuant to this
11 chapter, the department shall deposit the moneys into
12 the fund created in section 455G.3, and the moneys so
13 deposited are a continuing appropriation for
14 expenditure under chapter 455G, and moneys so
15 appropriated shall not be used for other purposes
16 unless the appropriation is changed by the first
17 session of a biennial general assembly."

18 17. Page 16, by inserting after line 21, the
19 following:

20 "If a depositor's, receiver's, or other person's
21 challenge relates to the diminution rate, the burden
22 of proof upon the challenger shall only be satisfied
23 by clear and convincing evidence.
24 3. If the amount paid is greater than the correct
25 charge, penalty, and interest due, the department
26 shall refund the excess, with interest after sixty
27 days from the date of payment at the rate in effect
28 under section 421.7, pursuant to rules prescribed by
29 the director. However, the director shall not allow a
30 claim for refund that has not been filed with the
31 department within five years after the charge payment
32 upon which a refund is claimed became due, or one year
33 after the charge payment was made, whichever time is
34 later. A determination by the department of the
35 amount of charge, penalty, and interest due, or the
36 amount of refund for any excess amount paid, is final
37 unless the person aggrieved by the determination
38 appeals to the director for a revision of the
39 determination within thirty days from the postmark
40 date of the notice of determination of charge,
41 penalty, and interest due or refund owing. The
42 director shall grant a hearing, and upon hearing the
43 director shall determine the correct charge, penalty,
44 and interest due or refund owing, and notify the
45 appellant of the decision by mail. The decision of
46 the director is final unless the appellant seeks
47 judicial review of the director's decision under
48 section 424.13."

49 18. Page 17, line 8, by striking the word
50 "director" and inserting the following: "board".

Page 3

1 19. Page 19, by striking lines 10 through 17, and
2 inserting the following:

3 "Sec. ____ . NEW SECTION. 424.13 JUDICIAL REVIEW.

4 1. Judicial review of contested cases under this
5 chapter may be sought in accordance with chapter 17A."

- 6 20. By striking page 19, line 27, through page
7 20, line 16.
- 8 21. Page 20, by striking lines 22 through 24, and
9 inserting the following: "be refunded to such person
10 by".
- 11 22. Page 20, line 25, by striking the words "or
12 credit".
- 13 23. Page 20, line 27, by striking the words "or
14 credit".
- 15 24. Page 20, line 28, by striking the words "five
16 years" and inserting the following: "one year".
- 17 25. Page 20, by inserting after line 30, the
18 following:
19 "Refunds may be made only from the unallocated or
20 uncommitted moneys in the fund created in section
21 455G.3, and are limited by the total amount budgeted
22 by the fund's board for charge refunds."
- 23 26. Page 20, line 34, by inserting after the word
24 "return" the following: ", and to any other person
25 known to the board who will owe the charge at any
26 address obtainable for that person,".
- 27 27. Page 21, line 2, by striking the words
28 "diminution rate" and inserting the following: "cost
29 factor, pursuant to section 424.3, subsection 5,".
- 30 28. Page 21, line 23, by inserting after the word
31 "notice." the following: "Neither mailed notice or
32 notice by publication is required for the initial
33 determination and imposition of the charge. The board
34 shall undertake to provide reasonable notice of the
35 environmental protection charge and procedures, as in
36 the board's sole discretion it deems appropriate,
37 provided that the actual charge and procedures are
38 published in the Iowa administrative bulletin prior to
39 the effective date of the charge."
- 40 29. Page 22, by striking lines 15 and 16, and
41 inserting the following: "to the department and
42 disposed of in the same manner as the charge imposed
43 under this chapter. Unpaid penalties and interest".
- 44 30. Page 23, by striking line 5, and inserting
45 the following: "property not within the corporate
46 limits of a city, may provide by".
- 47 31. Page 24, by inserting after line 3, the
48 following:
49 "5. A property tax credit provided under this
50 section shall be paid for out of any available funds

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- 1 budgeted for that purpose by the council or board.
2 Cities may certify a tax for the general fund levy and

3 a county may certify a tax for the rural county
4 service fund levy, for the property tax credit
5 authorized by this section. A city council shall
6 grant a credit only against city taxes and a county
7 board of supervisors shall only grant a credit against
8 county taxes.”

9 32. Page 25, by inserting after line 34, the
10 following:

11 “NEW SUBSECTION. 11. “Petroleum” means petroleum,
12 including crude oil or any fraction of crude oil which
13 is liquid at standard conditions of temperature and
14 pressure (sixty degrees Fahrenheit and fourteen and
15 seven-tenths pounds per square inch absolute).”

16 33. Page 26, line 13, by striking the word
17 “subsections” and inserting the following:
18 “subsection”.

19 34. Page 26, by striking lines 20 through 24.

20 35. Page 27, line 19, by inserting after the word
21 “account” the following: “, except those moneys
22 deposited into the Iowa comprehensive petroleum
23 underground storage tank fund pursuant to section
24 455B.479”.

25 36. Page 27, by striking lines 24 through 26, and
26 inserting the following:

27 “(2) Seventy Three percent of the moneys
28 proceeds of the fees imposed pursuant to section
29 455B.473, subsection 5, and section 455B.479 shall be
30 deposited in the account annually, up to a maximum of
31 three hundred fifty thousand dollars. If twenty-three
32 percent of the proceeds exceeds three hundred fifty
33 thousand dollars, the excess shall be deposited into
34 the fund created in section 455G.3. Three hundred and
35 fifty thousand dollars, are appropriated from the
36 storage tank management account to the department of”.

37 37. Page 30, by striking lines 28 and 29, and
38 inserting the following:

39 “3. “Bond” means a bond, note, or other obligation
40 issued by the authority for the fund and the purposes
41 of this chapter.”

42 38. Page 32, by striking line 20, and inserting
43 the following: “deposited in the fund. The fund
44 shall include moneys credited to the fund under
45 sections 424.7, 455G.3, 455G.8, 455G.9, 455G.10,
46 455G.11, and 455G.12, and other funds which by law may
47 be credited to the fund. The moneys in the fund are
48 appropriated to and for the purposes of the board as
49 provided in this chapter. Amounts in the fund shall
50 not be subject to appropriation for any other purpose

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1 by the general assembly, but shall be used only for
2 the purposes set forth in this chapter. The treasurer
3 of state shall act as custodian of the fund and
4 disburse amounts contained in it as directed by the
5 board including automatic disbursements of funds as
6 received pursuant to the terms of bond indentures and
7 documents and security provisions to trustees and
8 custodians. The treasurer of state is authorized to
9 invest the funds deposited in the fund at the
10 direction of the board and subject to any limitations
11 contained in any applicable bond proceedings. The
12 income from such investment shall be credited to and
13 deposited in the fund. The fund shall be administered
14 by the board which shall make expenditures from the
15 fund consistent with the purposes of the programs set
16 out in this chapter without further appropriation.
17 The fund may be divided into different accounts with
18 different depositories as determined by the board and
19 to fulfill the purposes of this chapter.”

20 39. Page 32, line 30, by striking the word “A”
21 and inserting the following: “To establish a”.

22 40. Page 32, line 32, by striking the word “A”
23 and inserting the following: “To establish a”.

24 41. Page 32, line 34, by striking the word “An”
25 and inserting the following: “To establish an”.

26 42. Page 36, by striking line 20, and inserting
27 the following:

28 “5. Provide that the interest on bonds may vary
29 in”.

30 43. Page 36, by striking lines 26 and 27, and
31 inserting the following:

32 “7. The board may contract with the authority for
33 the authority to issue bonds and do all things
34 necessary with respect to the purposes of the fund, as
35 set out in the contract between the board and the
36 authority. The board may delegate to the authority
37 and the authority shall then have all of the powers of
38 the board which are necessary to issue and secure
39 bonds and carry out the purposes of the fund, to the
40 extent provided in the contract between the board and
41 the authority. The authority may”.

42 44. Page 37, by striking line 5, and inserting
43 the following: “of which may be deposited with
44 trustees or depositories in accordance with bond or
45 security documents and pledged by the board to the
46 payment thereof.”.

47 45. Page 37, by striking line 14, and inserting
48 the following: “required for immediate disbursement

49 may be deposited with a trustee or depository as
50 provided in the bond documents and invested in any”.

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1 46. Page 38, line 25, by striking the word
2 “trust” and inserting the following: “inheritance”.
3 47. Page 38, by striking line 26, and inserting
4 the following:
5 “15. Subject to the terms of any bond documents,
6 moneys in the fund or fund accounts may be expended”.
7 48. Page 41, by striking line 24, and inserting
8 the following: “the following, which shall be
9 deposited with the board or its designee as provided
10 by any bond or security documents and”.
11 49. Page 42, by striking line 4, and inserting
12 the following: “storage tank management fee proceeds
13 which are deposited into the fund, pursuant to section
14 455B.479.”
15 50. Page 46, by striking line 18, and inserting
16 the following:
17 “5. The maturity for each financial assistance
18 package made by the board”.
19 51. Page 51, line 7, by striking the word
20 “authority” and inserting the following: “board”.
21 52. Page 52, line 33, by striking the word
22 “authority” and inserting the following: “board”.
23 53. By renumbering, relettering, or redesignating
24 and correcting internal references as necessary.

EMIL HUSAK
BERL PRIEBE
MICHAEL GRONSTAL
PATRICK DELUHERY
PAUL PATE
H. KAY HEDGE
JACK RIFE

S-3312

1 Amend Senate File 323 as follows:
2 1. Page 1, by striking lines 12 and 13, and
3 inserting the following: “256.11.
4 Rules adopted under this section shall include
5 standards relating to the suitability of particular
6 subject matter for telecommunication broadcasts and
7 shall establish maximum class size and number of
8 maximum allowable remote sites for a given subject.””

LINN FUHRMAN

S-3313

- 1 Amend House File 447, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 50, by striking lines 3 and 4, and
- 4 inserting the following: "independent licensed
- 5 engineer, fire marshal, or other person or class of
- 6 persons qualified and authorized by the board to
- 7 perform the required inspection and that the".

MARK R. HAGERLA

S-3314

- 1 Amend the amendment, S-3307, to House File 447 as
- 2 amended, passed, and reprinted by the House as follows:
- 3 1. Page 2, line 27, by striking the word "twenty-five"
- 4 and inserting the following: "ten".

MICHAEL E. GRONSTAL

S-3315

- 1 Amend Senate File 445 as follows:
- 2 1. Page 2, line 13, by inserting after the word
- 3 "days" the following: ", provided, however, if the
- 4 policy requires a beneficiary to survive for a
- 5 designated period after the death of the insured, the
- 6 company shall pay interest on the proceeds or any
- 7 amount of the proceeds not paid within thirty days
- 8 after the designated period".
- 9 2. Page 2, by striking lines 21 through 25, and
- 10 inserting the following:
- 11 "b. The effective rate of interest paid by the
- 12 company on death proceeds left on deposit with the
- 13 company.
- 14 3. A payment of interest shall not be required
- 15 under this section in any case in which the
- 16 beneficiary elects to receive the proceeds under the
- 17 policy by any means other than a lump sum payment."
- 18 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3316

1 Amend the amendment, S-3307, to House File 447, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 44, the
5 following:
6 "d. A flow-through process tank, or a tank
7 containing a regulated substance, other than motor
8 vehicle fuel used for transportation purposes, for use
9 as part of a manufacturing process, system, or
10 facility, if that tank is located within a fully
11 enclosed building."

MICHAEL E. GRONSTAL
EMIL J. HUSAK

S-3317

1 Amend House File 447, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 46, by striking lines 8 through 10, and
4 inserting the following: "institutions. However, if
5 no such financial".
6 2. Page 46, line 11, by striking the word "and"
7 and inserting the following: "or".

MICHAEL E. GRONSTAL

S-3318

1 Amend Senate File 280 as follows:
2 1. Page 1, line 4, by striking the word
3 "Industrial" and inserting the following:
4 "Speculative shell".
5 2. Page 1, line 6 by inserting after the word
6 "taxation" the following: "following a motion by a
7 city council or a county board of supervisors".
8 3. Page 1, by inserting after line 8 the
9 following: "For purposes of this subsection, a
10 speculative shell building shall only be leased for a
11 purpose consistent with the purpose for which it was
12 built."

JOHN P. KIBBIE

S-3319

1 Amend Senate File 362 as follows:

2 1. Page 38, by inserting after line 23 the
3 following:

4 "Sec. 423. NEW SECTION. 257.22A DISASTER
5 ASSISTANCE PAYMENTS.

6 A resident of a school district located in a county
7 in which the governor has proclaimed a state of
8 disaster emergency under section 29C.6 who submits
9 proof to the school budget review committee that
10 seventy percent or more of the resident's income
11 producing assets for a calendar year have been
12 destroyed by the disaster may apply to the school
13 budget review committee for payment of property taxes
14 due for the next following budget year in an amount
15 equal to the rate of the sum of the foundation levy
16 and the additional property tax levy multiplied by the
17 assessed valuation of the agricultural or commercial
18 property owned by the taxpayer in that school
19 district.

20 If the school budget review committee approves the
21 payment of the property taxes under this section, the
22 committee shall transmit the payment to the
23 appropriate county treasurer.

24 There is appropriated from the general fund of the
25 state for each fiscal year to the school budget review
26 committee an amount necessary to make the property tax
27 payments under this section."

28 2. Page 90, line 13, by striking the word and
29 figure "and 114" and inserting the following: "114,
30 and 423".

31 3. By renumbering as necessary.

LEONARD BOSWELL

S-3320

1 Amend House File 201, as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 1, line 16, by inserting after the word
4 "jurisdiction" the following: "provided that the
5 laws of that jurisdiction do not prohibit the
6 advertising of a lottery legally operated or permitted
7 by this state or the possession by a person within
8 that other jurisdiction of a lottery ticket, part of a
9 ticket, or number of a lottery ticket from a lottery
10 legally operated or permitted by this state".

- 11 2. Page 1, by inserting after line 23, the
12 following:
13 "Sec. ____ . 1985 Iowa Acts, chapter 33, section
14 129, is repealed."
15 3. By renumbering as necessary.

JIM LIND

S-3321

- 1 Amend Senate File 344 as follows:
2 1. Page 2, by inserting after line 14 the
3 following:
4 "Sec. ____ . Section 601A.15, Code 1989, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 13. For purposes of this chapter,
7 the commission has primary jurisdiction concerning a
8 complaint which asserts that an agency action has
9 resulted in a violation of a person's civil rights and
10 such complaint is not subject to the exclusive review
11 provisions of section 17A.19."

TOM MANN, JR.

S-3322

- 1 Amend the amendment, S-3307, to House File 447, as
2 amended, passed, and reprinted by the House, as
3 follows:

DIVISION S—3322A

- 4 1. Page 2, line 27, by striking the word "twenty-
5 five" and inserting the following: "ten".

DIVISION S—3322B

- 6 2. Page 3, by striking lines 3 through 19, and
7 inserting the following: "storage tank fill pipe, the
8 person conveying or depositing the regulated substance
9 may deposit the regulated substance in the
10 unregistered tank provided that the deposit is allowed
11 only in the single instance, that the person provides
12 the owner or operator with another notice as required
13 by subsection 5, and that the person provides the
14 owner or operator with an aboveground storage tank
15 registration form. It is the owner or operator's duty
16 to comply with registration requirements. A late

17 registration penalty of twenty-five dollars is imposed
18 in addition to the registration fee for a tank
19 registered after the required date.”

LEONARD L. BOSWELL

S-3323

1 Amend Senate File 454 as follows:

2 1. Page 1, by striking lines 10 through 32, and
3 inserting the following:

4 “Sec. ____ . Section 96.4, subsection 4, Code 1989,
5 is amended to read as follows:

6 4. The individual has been paid wages for insured
7 work during the individual's base period in an amount
8 at least one and ~~one-quarter~~ one-half times the wages
9 paid to the individual during that quarter of the
10 individual's base period in which the individual's
11 wages were highest; provided that the individual has
12 been paid wages for insured work totaling at least
13 three and five-tenths percent of the statewide average
14 annual wage for insured work, computed for the
15 preceding calendar year if the individual's benefit
16 year begins on or after the first full week in July
17 and computed for the second preceding calendar year if
18 the individual's benefit year begins before the first
19 full week in July, in that calendar quarter in the
20 individual's base period in which the individual's
21 wages were highest, and the individual has been paid
22 wages for insured work totaling at least one-half of
23 the amount of wages required under this subsection in
24 the calendar quarter of the base period in which the
25 individual's wages were highest, in a each of two
26 calendar ~~quarter~~ quarters in the individual's base
27 period other than the calendar quarter in which the
28 individual's wages were highest. The calendar quarter
29 wage requirements shall be rounded to the nearest
30 multiple of ten dollars.

31 If the individual has drawn benefits in any benefit
32 year, the individual must during or subsequent to that
33 year, work in and be paid wages for insured work
34 totaling at least ~~two hundred fifty dollars ten times~~
35 the individual's weekly benefit amount, as a condition
36 to receive benefits in the next benefit year.”

37 2. By renumbering as necessary.

CALVIN O. HULTMAN
RAY TAYLOR

S-3324

- 1 Amend Senate File 454 as follows:
2 1. Page 1, by striking lines 28 and 29, and
3 inserting the following: "base period in which the
4 individual's wages were highest, in ~~a~~ each of two
5 calendar quarter quarters in the individual's base
6 period other than".

CALVIN O. HULTMAN
RAY TAYLOR

S-3325

- 1 Amend Senate File 315 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 204.401, Code 1989, is amended
5 by striking the section and inserting in lieu thereof
6 the following:
7 204.401 PROHIBITED ACTS -- MANUFACTURERS --
8 POSSESSORS -- CONTROLLED SUBSTANCES -- COUNTERFEIT
9 SUBSTANCES -- SIMULATED CONTROLLED SUBSTANCES --
10 PENALTIES.
11 1. Except as authorized by this chapter, it is
12 unlawful for any person to manufacture, deliver, or
13 possess with the intent to manufacture or deliver, a
14 controlled substance, a counterfeit substance, or a
15 simulated controlled substance, or to act with, enter
16 into a common scheme or design with, or conspire with
17 one or more other persons to manufacture, deliver, or
18 possess with the intent to manufacture or deliver, a
19 controlled substance, a counterfeit substance, or a
20 simulated controlled substance.
21 a. Violation of this subsection, with respect to
22 the following controlled substances, counterfeit
23 substances, or simulated controlled substances is a
24 class "B" felony, and notwithstanding section 902.9,
25 subsection 1, shall be punished by confinement for no
26 more than fifty years and a fine of not less than ten
27 thousand dollars nor more than one million dollars:
28 (1) More than one kilogram of a mixture or
29 substance containing a detectable amount of heroin.
30 (2) More than five kilograms of a mixture or
31 substance containing a detectable amount of any of the
32 following:
33 (a) Coca leaves, except coca leaves and extracts
34 of coca leaves from which cocaine, ecgonine, and

35 derivatives of ecgonine or their salts have been
36 removed.
37 (b) Cocaine, its salts, optical and geometric
38 isomers, and salts of isomers.
39 (c) Ecgonine, its derivatives, their salts,
40 isomers, and salts of isomers.
41 (d) Any compound, mixture, or preparation which
42 contains any quantity of any of the substances
43 referred to in subparagraph subdivisions (a) through
44 (c).
45 (3) More than fifty grams of a mixture or
46 substance described in subparagraph 2 which contains
47 cocaine base.
48 (4) More than one hundred grams of phencyclidine
49 (PCP) or one kilogram or more of a mixture or
50 substance containing a detectable amount of

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1 phencyclidine (PCP).
2 (5) More than ten grams of a mixture or substance
3 containing a detectable amount of lysergic acid
4 diethylamide (LSD).
5 (6) More than one thousand kilograms of a mixture
6 or substance containing a detectable amount of
7 marijuana.
8 b. Violation of this subsection with respect to
9 the following controlled substances, counterfeit
10 substances, or simulated controlled substances is a
11 class "B" felony, and in addition to the provisions of
12 section 902.9, subsection 1, shall be punished by a
13 fine of not less than five thousand dollars nor more
14 than one hundred thousand dollars:
15 (1) More than one hundred grams but not more than
16 one kilogram of a mixture or substance containing a
17 detectable amount of heroin.
18 (2) More than five hundred grams but not more than
19 five kilograms of any of the following:
20 (a) Coca leaves, except coca leaves and extracts
21 of coca leaves from which cocaine, ecgonine, and
22 derivatives of ecgonine or their salts have been
23 removed.
24 (b) Cocaine, its salts, optical and geometric
25 isomers, and salts of isomers.
26 (c) Ecgonine, its derivatives, their salts,
27 isomers, and salts of isomers.
28 (d) Any compound, mixture, or preparation which
29 contains any quantity of any of the substances
30 referred to in subparagraph subdivisions (a) through
31 (c).

32 (3) More than five grams but not more than fifty
33 grams of a mixture or substance described in
34 subparagraph (2) which contains cocaine base.
35 (4) More than ten grams but not more than one
36 hundred grams of phencyclidine (PCP) or more than one
37 hundred grams but not more than one kilogram of a
38 mixture or substance containing a detectable amount of
39 phencyclidine (PCP).
40 (5) Not more than ten grams of lysergic acid
41 diethylamide (LSD).
42 (6) More than one hundred kilograms but not more
43 than one thousand kilograms of marijuana.
44 c. Violation of this subsection with respect to
45 the following controlled substances, counterfeit
46 substances, or simulated controlled substances is a
47 class "C" felony, and in addition to the provisions of
48 section 902.9, subsection 3, shall be punished by a
49 fine of not less than one thousand dollars nor more
50 than fifty thousand dollars:

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1 (1) One hundred grams or less of a mixture or
2 substance containing a detectable amount of heroin.
3 (2) Five hundred grams or less of any of the
4 following:
5 (a) Coca leaves, except coca leaves and extracts
6 of coca leaves from which cocaine, ecgonine, and
7 derivatives of ecgonine or their salts have been
8 removed.
9 (b) Cocaine, its salts, optical and geometric
10 isomers, and salts of isomers.
11 (c) Ecgonine, its derivatives, their salts,
12 isomers, and salts of isomers.
13 (d) Any compound, mixture, or preparation which
14 contains any quantity of any of the substances
15 referred to in subparagraph subdivisions (a) through
16 (c).
17 (3) Five grams or less of a mixture or substance
18 described in subparagraph (2) which contains cocaine
19 base.
20 (4) Ten grams or less of phencyclidine (PCP) or
21 one hundred grams or less of a mixture or substance
22 containing a detectable amount of phencyclidine (PCP).
23 (5) More than fifty kilograms but not more than
24 one hundred kilograms of marijuana.
25 (6) Any other controlled substance classified in
26 schedule I, II, or III.
27 d. Violations of this subsection, with respect to
28 any other controlled substances, counterfeit

29 substances, or simulated controlled substances
30 classified in schedule IV or V, or less than fifty
31 kilograms of marijuana, or any other amount of such
32 substances, is a class "D" felony, and in addition to
33 the provisions of section 902.9, subsection 4, shall
34 be punished by a fine of not less than one thousand
35 dollars nor more than five thousand dollars.

36 e. A person in the immediate possession or control
37 of a firearm while participating in a violation of
38 this subsection shall be sentenced to two times the
39 term otherwise imposed by law, and no such judgment,
40 sentence, or part thereof shall be deferred or
41 suspended.

42 f. A person in the immediate possession or control
43 of an offensive weapon, as defined in section 724.1,
44 while participating in a violation of this subsection,
45 shall be sentenced to three times the term otherwise
46 imposed by law, and no such judgment, sentence, or
47 part thereof shall be deferred or suspended.

48 2. It is unlawful for any person knowingly or
49 intentionally to possess a controlled substance,
50 counterfeit substance, or simulated controlled

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1 substance unless such substance was obtained directly
2 from or pursuant to a valid prescription or order of a
3 practitioner while acting in the course of the
4 practitioner's professional practice, or except as
5 otherwise authorized by this chapter. A person who
6 violates this subsection with respect to possession of
7 the following substances is guilty of the following:

8 a. Marijuana in an amount less than one ounce, is
9 guilty of a serious misdemeanor. Punishment shall be
10 imprisonment in the county jail for not more than six
11 months or a fine of not less than one hundred dollars
12 nor more than one thousand dollars, or by both such
13 imprisonment and fine.

14 b. Marijuana in an amount of one ounce or more, or
15 any amount of any other controlled substance
16 classified in schedule I, II, III, IV, or V is guilty
17 of an aggravated misdemeanor.

18 c. Any of the following controlled substances,
19 counterfeit substances, or simulated controlled
20 substances in the following amounts is guilty of a
21 class "D" felony:

22 (1) One hundred grams or more of a mixture or
23 substance containing a detectable amount of heroin.

24 (2) Five hundred grams or more of any of the
25 following:

- 26 (a) Coca leaves, except coca leaves and extracts
27 of coca leaves from which cocaine, ecgonine, and
28 derivatives of ecgonine or their salts have been
29 removed.
- 30 (b) Cocaine, its salts, optical and geometric
31 isomers, and salts of isomers.
- 32 (c) Ecgonine, its derivatives, their salts,
33 isomers, and salts of isomers.
- 34 (d) Any compound, mixture, or preparation which
35 contains any quantity of any of the substances
36 referred to in subparagraph subdivisions (a) through
37 (c).
- 38 (3) Five grams or more of a mixture or substance
39 described in subparagraph (2) which contains cocaine
40 base.
- 41 (4) Ten grams or more of phencyclidine (PCP) or
42 more than one hundred kilograms of a mixture or
43 substance containing a detectable amount of
44 phencyclidine (PCP).
- 45 (5) Ten grams or more of lysergic acid
46 diethylamide (LSD).
- 47 d. Marijuana in an amount of one ounce or more, or
48 any amount of any other controlled substance
49 classified in schedule I, II, III, IV, or V, if the
50 person violating this subsection has previously been

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- 1 convicted of a violation of the laws of this or any
2 other jurisdiction proscribing delivery, sale,
3 manufacturing, or possession with the intent to
4 deliver or manufacture any controlled substance,
5 counterfeit substance, or simulated controlled
6 substance, is guilty of a class "D" felony.
- 7 3. If the same person commits two or more acts
8 which are in violation of this section and the acts
9 occur in approximately the same location or time
10 period so that the acts can be attributed to a single
11 scheme, plan, or conspiracy, the acts may be
12 considered a single violation and the weight of the
13 controlled substances, counterfeit substances, or
14 simulated controlled substances involved may be
15 combined for purposes of charging the offender.
- 16 Sec. 2. Section 204.406, Code 1989, is amended by
17 striking the section and inserting in lieu thereof the
18 following:
- 19 204.406 DISTRIBUTION TO PERSON UNDER AGE EIGHTEEN.
- 20 1. A person who is eighteen years of age or older
21 who:
- 22 a. Unlawfully distributes a substance listed in

23 schedule I or II, which is a narcotic or cocaine, to a
24 person under eighteen years of age commits a class "B"
25 felony and shall serve a minimum term of confinement
26 of five years. However, if the substance was
27 distributed in or on, or within one thousand feet of,
28 the real property comprising a public or private
29 elementary or secondary school, the person shall serve
30 a minimum term of confinement of ten years.

31 b. Unlawfully distributes a controlled substance
32 other than a narcotic or cocaine listed in schedule I,
33 II, or III to a person under eighteen years of age who
34 is at least three years younger than the violator
35 commits a class "C" felony.

36 c. Unlawfully distributes a controlled substance
37 listed in schedule IV or V to a person under eighteen
38 years of age who is at least three years younger than
39 the violator commits an aggravated misdemeanor.

40 2. A person who is eighteen years of age or older
41 who:

42 a. Unlawfully distributes a counterfeit substance
43 listed in schedule I or II which is a narcotic or
44 cocaine, or a simulated controlled substance
45 represented to be a narcotic or cocaine classified in
46 schedule I or II, to a person under eighteen years of
47 age commits a class "B" felony. However, if the
48 substance was distributed in or on, or within one
49 thousand feet of, the real property comprising a
50 public or private elementary or secondary school, the

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1 person shall serve a minimum term of confinement of
2 ten years.

3 b. Unlawfully distributes a counterfeit substance
4 other than a narcotic or cocaine listed in schedule I,
5 II, or III, or a simulated controlled substance
6 represented to be any substance listed in schedule I,
7 II, or III, to a person under eighteen years of age
8 who is at least three years younger than the violator
9 commits a class "C" felony.

10 c. Unlawfully distributes a counterfeit substance
11 listed in schedule IV or V, or a simulated controlled
12 substance represented to be a substance listed in
13 schedule IV or V, to a person under eighteen years of
14 age who is at least three years younger than the
15 violator commits an aggravated misdemeanor.

16 3. It is unlawful for a person to deliver a
17 controlled substance to another person in order to act
18 with, enter into a common scheme or design with,
19 conspire with, or recruit the other person for the

20 purpose of delivering a controlled substance to one or
21 more persons under eighteen years of age. A person
22 who violates this subsection with respect to a
23 controlled substance classified in schedule I, II,
24 III, IV, or V is guilty of a class "D" felony.

25 Sec. 3. Section 204.409, subsection 1, Code 1989,
26 is amended to read as follows:

27 1. Whenever a person who has not previously been
28 convicted of an offense under this chapter or an
29 offense under a state or federal statute relating to
30 narcotic drugs or cocaine, marijuana, or stimulant,
31 depressant, or hallucinogenic drugs, pleads guilty to
32 or is found guilty of possession of a controlled
33 substance under section 204.401, subsection 3 2, or is
34 sentenced pursuant to section 204.410, the court,
35 without entering a judgment of guilt and with the
36 consent of the accused, may defer further proceedings
37 and place the accused on probation upon terms and
38 conditions as it requires. When a person is placed on
39 probation under this subsection, the person's
40 appearance bond may be discharged at the discretion of
41 the court. Upon violation of a term or condition, the
42 court may enter an adjudication of guilt and proceed
43 as otherwise provided. Upon fulfillment of the terms
44 and conditions, the court shall discharge the person
45 and dismiss the proceedings against the person.
46 Discharge and dismissal under this section shall be
47 without court adjudication of guilt and is not a
48 conviction for purposes of this section or for
49 purposes of disqualifications or disabilities imposed
50 by law upon conviction of a crime, including the

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1 additional penalties imposed for second or subsequent
2 convictions under section 204.410. Discharge and
3 dismissal under this section may occur only once with
4 respect to any person.

5 Sec. 4. Section 204.410, Code 1989, is amended to
6 read as follows:

7 204.410 ACCOMMODATION OFFENSE.

8 In a prosecution for unlawful delivery or
9 possession with intent to deliver marijuana, if the
10 prosecution proves that the defendant violated the
11 provisions of section 204.401, subsection 1, by
12 proving that the defendant delivered or possessed with
13 intent to deliver one ounce or less of marijuana, the
14 defendant is guilty of an accommodation offense and
15 rather than being sentenced as if convicted for a
16 violation of section 204.401, subsection 1, paragraph

17 ~~"b"~~ "d", shall be sentenced as if convicted of a
18 violation of section 204.401, subsection ~~3~~ 2. An
19 accommodation offense may be proved as an included
20 offense under a charge of delivering or possessing
21 with the intent to deliver marijuana in violation of
22 section 204.401, subsection 1. This section does not
23 apply to hashish, hashish oil, or other derivatives of
24 marijuana as defined in section 204.101, subsection
25 17.

26 Sec. 5. Section 204.411, subsection 3, Code 1989,
27 is amended to read as follows:

28 3. This section does not apply to offenses under
29 section 204.401, subsection ~~3~~ 2.

30 Sec. 6. Section 204.413, unnumbered paragraph 1,
31 Code 1989, is amended to read as follows:

32 A person sentenced pursuant to section 204.401,
33 subsection 1, ~~paragraph "a" or "b" shall is not be~~
34 eligible for parole until the person has served a
35 minimum period of confinement of one-third of the
36 maximum indeterminate sentence ~~prescribed by law~~
37 imposed by the court.

38 A person sentenced pursuant to section 204.401,
39 subsection 1, paragraph "e" or "f", is not eligible
40 for parole until the person has served a minimum
41 period of confinement of one-third of each term
42 imposed.

43 Sec. 7. Section 907.3, unnumbered paragraph 1,
44 Code 1989, is amended to read as follows:

45 Pursuant to section 901.5, the trial court may,
46 upon a plea of guilty, a verdict of guilty, or a
47 special verdict upon which a judgment of conviction
48 may be rendered, exercise any of the options contained
49 in subsections 1 and 2 of this section. However, this
50 section shall not apply to a forcible felony or

Page 8

1 violations of section 204.401, subsection 1.

2 Sec. 8. Section 204.414, Code 1989, is repealed."

3 2. Title page, by striking lines 1 and 2 and
4 inserting the following: "An Act prohibiting the
5 unauthorized manufacture, delivery, possession with
6 intent to manufacture or deliver, or possession of a
7 controlled substance, a counterfeit substance, or a
8 simulated controlled substance, and providing
9 penalties."

MARK HAGERLA

S-3326

1 Amend House File 447, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 43, by inserting after line 20 the
4 following:
5 "f. The costs of corrective action for a release
6 reported to the department of natural resources prior
7 to the effective date of this Act, to the extent that
8 corrective action has not yet been performed, and
9 excluding the costs of corrective action already
10 performed or paid for, whether or not additional
11 corrective action is required."

WILMER RENSINK

S-3327

1 Amend House File 447, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 25, by inserting before line 35 the fol-
4 lowing:
5 "Sec. ____ . Section 455B.474, subsection 2,
6 paragraph a, Code 1989, is amended by adding the
7 following new unnumbered paragraph:
8 **NEW UNNUMBERED PARAGRAPH.** A person who establishes
9 financial responsibility by self-insurance shall not
10 require or shall not enforce an indemnification
11 agreement with an operator or owner of the tank
12 covered by the self-insurance obligation, unless the
13 owner or operator has committed a substantial breach
14 of a contract between the self-insurer and the owner
15 or operator, and that substantial breach relates
16 directly to the operation of the tank in an
17 environmentally sound manner. This paragraph applies
18 to all contracts between a self-insurer and an owner
19 or operator entered into on or after the effective
20 date of this Act."

PAUL D. PATE

JACK RIFE

S-3328

1 Amend the amendment, S-3269, to Senate File 31, as
2 follows:
3 1. Page 1, line 13, by inserting after the word

4 "others" the following: "at the request and
5 requirement of the facility".
6 2. Page 1, line 15, by inserting after the word
7 "residents." the following: "A determination of a
8 violation under this paragraph is contingent upon the
9 complainant's verification that a resident was
10 required to perform the uncompensated work."

RAY TAYLOR

S-3329

1 Amend Senate File 498 as follows:
2 1. Page 1, by striking lines 20 through 23 and
3 inserting the following:
4 "2. A person is not qualified for appointment as a
5 magistrate ~~unless the person can complete the entire~~
6 ~~term of office prior to reaching~~ if at the time of
7 appointment the person has reached age seventy-two."

PAT DELUHERY
C. JOSEPH COLEMAN

S-3330

1 Amend House File 447, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 43, by striking lines 2 through 7, and
4 inserting the following: "owned or operated by a
5 financial institution which has obtained ownership or
6 control through debt enforcement or debt settlement,
7 if the prior owner or operator is unable to pay."
8 2. By striking page 54, line 26 through page 55,
9 line 6.
10 3. By renumbering, relettering, or redesignating,
11 and correcting internal references as necessary.

JACK RIFE

S-3331

1 Amend the amendment, S-3307, to House File 447, as
2 amended, passed, and reprinted by the House, as
3 follows:

- 4 1. Page 9, by striking lines 6 through 9.
- 5 2. By renumbering as necessary.

JIM LIND
JOHN JENSEN

S-3332

- 1 Amend House File 447, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 6, by inserting after line 33, the
- 4 following:
- 5 "Sec. ____ . NEW SECTION. 101.12 ABOVEGROUND
- 6 PETROLEUM TANKS AUTHORIZED.
- 7 Rules of the state fire marshal shall permit
- 8 installation of aboveground petroleum storage tanks
- 9 for retail motor vehicle fuel outlets in cities of one
- 10 thousand or less population."
- 11 2. By renumbering as necessary.

BERL E. PRIEBE

S-3333

- 1 Amend Senate File 409 as follows:
- 2 1. Page 2, by inserting after line 16, the
- 3 following:
- 4 "Sec. ____ . Section 123.47A, Code 1989, is
- 5 repealed."
- 6 2. Renumber as necessary.

JIM LIND
TOM MANN
JIM RIORDAN
JULIA GENTLEMAN
PAUL PATE
WALLY E. HORN
RICHARD. J. VARN
MAGGIE TINSMAN
RICHARD V. RUNNING
JACK RIFE
LINN FUHRMAN
AL STURGEON
JOHN SOORHOLTZ
C. JOSEPH COLEMAN

S-3334

- 1 Amend Senate File 442 as follows:
2 1. Page 1, line 14, by striking the word
3 "fertilizers" and inserting the following:
4 "fertilizers, petroleum products,"
5 2. Page 1, line 15, by striking the word
6 "fertilizers" and inserting the following:
7 "fertilizers, petroleum products,"
8 3. Page 1, line 16, by striking the word "fifty-
9 mile" and inserting the following: "one-hundred-
10 mile".
11 4. Title page, line 4, by striking the word
12 "fertilizers" and inserting the following:
13 "fertilizers, petroleum products,".

LEONARD L. BOSWELL

S-3335

- 1 Amend Senate File 388 as follows:
2 1. Page 1, line 14, by striking the words "or
3 public" and inserting the following "public".
4 2. Page 1, line 18, by inserting after the word
5 "private" the following: "or commercial".
6 3. Page 1, line 31, by striking the words "or
7 public".

BERLE E. PRIEBE

S-3336

- 1 Amend Senate File 190 as follows:
2 1. Page 1, by inserting after line 2 the
3 following:
4 "Sec. ____ . NEW SECTION. 159.32 INTENT.
5 It is the intent of the general assembly that
6 sections 159.32 through 159.34 be used to enhance
7 Iowa's agricultural exports, to assist exporters and
8 producers of agricultural products, and to take
9 advantage of the Export Trading Company Act of 1982,
10 Pub. L. No. 97-290.
11 Sec. ____ . NEW SECTION. 159.33 AUTHORIZED
12 CORPORATION.
13 There may be incorporated under chapter 496A a
14 corporation which shall be known as the Iowa export
15 trading company. If incorporated, this corporation

16 shall be established by the secretary of agriculture
17 of the department of agriculture and land stewardship.
18 The initial board of directors shall consist of the
19 secretary and six additional members appointed by the
20 secretary. The six members appointed by the secretary
21 shall be knowledgeable in the area of farming,
22 exporting, or marketing finance. The department may
23 expend an amount not to exceed one hundred thousand
24 dollars necessary to establish and operate the export
25 trading company until the completion of the public
26 offering of stock. The funds used shall be repaid to
27 the department upon completion of its public offering
28 of stock. Financing for the export trading company
29 shall initially come from its public offering of stock
30 to residents of this state. In preparation for this
31 sale, a detailed marketing study shall be conducted
32 which will serve as the basis for the company work
33 plan and the company prospectus. After the sale of
34 stock, provision shall be made for the election of a
35 board of directors by the stockholders to replace the
36 initial board of directors. However, the secretary of
37 the department shall be an ex officio member of the
38 board representing the state of Iowa. The secretary
39 of the department shall also serve as an agent for the
40 company.

41 The articles of incorporation of the company and
42 the prospectus on the issuance of stock in the company
43 shall provide that only residents of the state may be
44 owners of the stock of the company and shall provide a
45 prohibition against the takeover of the company.

46 Sec. ____ . NEW SECTION. 159.34 PURPOSES AND
47 POWERS.

48 1. The purposes of the Iowa export trading company
49 are to assist agricultural exporters, expand existing
50 markets, and develop new markets through, but not

Page 2

1 limited to, direct contracts with foreign governments
2 or their agencies, specialty-type deliveries, and
3 countertrade options. Specialty-type deliveries
4 include small deliveries of grains or other
5 agricultural products to countries with inadequate
6 storage capacities or high quality grain deliveries
7 through reduced blending.

8 2. The Iowa export trading company has the powers
9 necessary to fulfill the purposes of sections 159.32
10 through 159.34 and those provided in chapter 496A and
11 the Export Trading Company Act of 1982, Pub. L. No.
12 97-290 which are not inconsistent with or limited by

- 13 this division.”
- 14 2. Title page, line 1, by striking the words
- 15 “repeal the Iowa export trading company Act and
- 16 inserting the following: “establish the Iowa export
- 17 trading company Act within the department of
- 18 agriculture and land stewardship”.
- 19 3. Renumber as necessary.

JAMES RIORDAN
BERL PRIEBE

S-3337

- 1 Amend Senate File 434 as follows:
- 2 1. Page 1, by striking lines 1 through 6 and
- 3 inserting the following:
- 4 “Section 1. Section 602.8105, subsection 1,
- 5 paragraph a, Code 1989, is amended to read as follows:
- 6 a. For filing and docketing a petition other than
- 7 for modification of a dissolution decree filed within
- 8 ~~one hundred eighty days of the date of the entering of~~
- 9 ~~the dissolution decree to which a written stipulation~~
- 10 ~~is attached at the time of filing containing the~~
- 11 ~~agreement of the parties to the terms of the~~
- 12 ~~modification, or an appeal or writ of error, forty-~~
- 13 ~~five dollars.”~~
- 14 2. Page 1, by striking lines 19 through 23.
- 15 3. Page 1, by striking lines 26 and 27, and
- 16 inserting the following:
- 17 “f. (1) For certificate and seal, except for
- 18 letters testamentary 20.00
- 19 (2) For certificate and seal of letters
- 20 testamentary 2.00”.
- 21 4. By renumbering as necessary.

DONALD V. DOYLE

S-3338

- 1 Amend Senate File 86 as follows:
- 2 1. Page 1, line 5, by striking the words “or
- 3 both” and inserting the following: “one or more
- 4 organizations which have tax-exempt status under
- 5 section 501(c)(3) of the Internal Revenue Code and are
- 6 organized and operated exclusively for artistic and
- 7 cultural purposes, or any of these purposes”.
- 8 2. Title page, line 2, by inserting after the

9 word "groups" the following: "and support of certain
10 tax-exempt artistic and cultural organizations."

JIM LIND
JOY CORNING
JEAN LLOYD-JONES
JULIA GENTLEMAN
BOB CARR

S-3339

1 Amend Senate File 374 as follows:
2 1. Page 10, by inserting after line 5 the
3 following:
4 "Sec. ____ . NEW SECTION. 49A.23 COSTS OF
5 ADDITIONAL TEMPORARY STAFF.
6 If it is necessary for the commissioner to hire
7 additional temporary staff in order to complete the
8 procedures required by sections 49A.9, 49A.15, and
9 49A.16, the commissioner may charge the costs of the
10 additional temporary staff to the jurisdiction for
11 which the election is held. The charges shall be
12 limited to the actual wages of the employees
13 performing the duties required by sections 49A.9,
14 49A.15, and 49A.16."
15 2. By numbering and renumbering as necessary.

MICHAEL E. GRONSTAL

S-3340

1 Amend Senate File 368 as follows:
2 1. Page 1, line 5, by inserting after the word
3 "lands" the following: ", except Indian lands,".

DONALD V. DOYLE
EMIL J. HUSAK
JACK NYSTROM

S-3341

1 Amend Senate File 374 as follows:
2 1. Page 3, line 2, by inserting after the word
3 "five" the following: "working".

RICHARD VANDE HOEF

S-3342

1 Amend Senate File 374 as follows:

2 1. Page 3, by inserting after line 30 the fol-
3 lowing:

4 "4. Fifty or more eligible electors of the
5 political subdivision may object to the conduct of the
6 election under this chapter by signing a petition of
7 objection. The petition must include a statement of
8 reasons for the objection. If a valid petition of
9 objection is filed with the county commissioner no
10 later than fifty-five days prior to the date set for
11 the election, the election shall not be conducted
12 under this chapter."

RICHARD VANDE HOEF

S-3343

1 Amend Senate File 385 as follows:

2 1. Page 1, line 12, by inserting after the word
3 "dismissal" the following: "procedures".

4 2. Page 1, line 17, by inserting after the word
5 "parties," the following: "For the purposes of this
6 section, the term "procedure" does not include
7 criteria or matters of substance."

8 3. Page 1, by inserting after line 22 the fol-
9 lowing:

10 "Sec. ____ . Section 256.10, Code 1989, is amended
11 to read as follows:

12 256.10 EMPLOYMENT OF PROFESSIONAL STAFF.

13 The salary of the director shall be fixed by the
14 governor within a range established by the general
15 assembly. Appointments to the professional staff of
16 the department shall be without reference to political
17 party affiliation, religious affiliation, sex, or
18 marital status, but shall be based solely upon
19 fitness, ability, and proper qualifications for the
20 particular position. The professional staff shall
21 serve at the discretion of the director. A member of
22 the professional staff shall not be dismissed for
23 cause without at least ninety days' notice, except in
24 cases of conviction of a felony or cases involving
25 moral turpitude. In cases of procedure for dismissal,
26 the accused has the same right to notice and hearing
27 as ~~teachers~~ administrators in the public school
28 systems as ~~provided in section 279.27~~ 279.25 to the
29 extent that it is applicable.

30 Sec. ____ . Section 261.45, subsection 1, Code 1989,
 31 is amended to read as follows:
 32 1. Is a teacher employed on a full-time basis
 33 under ~~sections 279.18 through 279.19~~ section 279.12 in
 34 a school district in this state, is a teacher in an
 35 approved nonpublic school in this state, or is a
 36 certified teacher at the Iowa braille and sight-saving
 37 school or the Iowa school for the deaf.
 38 Sec. ____ . Section 262.9, subsection 2, Code 1989,
 39 is amended to read as follows:
 40 2. Elect a president of each of the institutions
 41 of higher learning; a superintendent of each of the
 42 other institutions; a treasurer and a secretarial
 43 officer for each institution annually; professors,
 44 instructors, officers, and employees; and fix their
 45 compensation. Sections 279.12 ~~through 279.19~~ and
 46 ~~section 279.27~~ 279.14 apply to employees of the Iowa
 47 braille and sight-saving school and the state school
 48 for the deaf, who are certificated pursuant to chapter
 49 260. In following those sections in chapter 279, the
 50 references to boards of directors of school districts

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1 shall be interpreted to apply to the board of regents.
 2 Sec. ____ . Section 275.33, subsection 1, Code 1989,
 3 is amended to read as follows:
 4 1. The terms of employment of superintendents; and
 5 principals, ~~and teachers~~, for the school year
 6 following the effective date of the formation of the
 7 new district shall not be affected by the formation of
 8 the new district, except in accordance with ~~the~~
 9 provisions of sections 279.15 to 279.18 and section
 10 279.24 and the authority and responsibility to offer
 11 new contracts or to continue, modify, or terminate
 12 existing contracts pursuant to sections 279.12,
 13 ~~279.13, 279.15 to 279.20,~~ 279.21, 279.23, and 279.24
 14 for the school year beginning with the effective date
 15 of the reorganization shall be transferred from the
 16 boards of the existing districts to the board of the
 17 new district on the third Tuesday of January prior to
 18 the school year the reorganization is effective.
 19 Sec. ____ . Section 279.19, unnumbered paragraph 2,
 20 Code 1989, is amended by striking the paragraph.
 21 Sec. ____ . Section 279.19, unnumbered paragraph 3,
 22 Code 1989, is amended to read as follows:
 23 The board's decision to terminate a probationary
 24 teacher's contract shall be final and binding unless
 25 the termination was based upon an alleged violation of
 26 a constitutionally guaranteed right of the teacher or

27 an alleged violation of public employee rights of the
 28 teacher under section 20.10.
 29 Sec. ____ . Section 279.23, unnumbered paragraph 3,
 30 Code 1989, is amended to read as follows:
 31 An administrator's contract shall be governed by
 32 the provisions of this section and sections 279.23A,
 33 279.24, and 279.25 ~~and not by section 279.18~~. For
 34 purposes of this section and sections 279.23A, 279.24,
 35 and 279.25, the term "administrator" includes school
 36 superintendents, assistant superintendents,
 37 educational directors, principals, assistant
 38 principals, and other certified school supervisors as
 39 defined under section 20.4.
 40 Sec. ____ . REPEALS. Sections 279.13, 279.15,
 41 279.16, 279.17, 279.18, 279.19A, 279.19B, and 279.27,
 42 Code 1989, are repealed.
 43 Sec. ____ . EFFECTIVE DATE.
 44 1. Section 1 of this Act takes effect July 1,
 45 1989.
 46 2. All other sections of this Act take effect July
 47 1, 1991."
 48 4. Title page, line 2, by inserting after the
 49 word "bargaining" the following: ", repealing certain
 50 statutory provisions relating to the discharge of

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1 teachers, providing an effective date, and providing
 2 other properly related matters".
 3 5. By renumbering as necessary.

LINN FUHRMAN

S-3344

1 Amend Senate File 440 as follows:
 2 1. Page 1, line 35, by inserting after the word
 3 "habitats." the following: "The revenue obtained from
 4 stamp sales for combination hunting and fishing
 5 licenses shall be apportioned between the development
 6 of fish habitat and the acquisition or leasing of land
 7 for other wildlife habitat in the same ratio as the
 8 total number of fishing licenses sold is to the total
 9 number of hunting licenses sold in the same year."

JOHN P. KIBBIE

S-3345

- 1 Amend Senate File 377 as follows:
 2 1. Page 1, line 11, by striking the word "The"
 3 and inserting the following: "A".
 4 2. Page 1, line 12, by striking the word "shall"
 5 and inserting the following: "may".

COMMITTEE ON
 AGRICULTURE
 BERL E. PRIEBE, Chairperson

S-3346

- 1 Amend Senate File 472 as follows:
 2 1. Page 6, line 9, by inserting after the word
 3 "school" the following: "district".
 4 2. Page 6, line 11, by inserting after the word
 5 "instructor." the following: "Programs developed may
 6 be operated by or contracted for by the public school
 7 district. Districts contracting for the operation of
 8 a home instruction assistance program shall contract
 9 with either an area education agency or another public
 10 school district for the provision of program
 11 services."

WILMER RENSINK

S-3347

- 1 Amend Senate File 396 as follows:
 2 1. Page 1, by striking lines 1 through 28.
 3 2. Page 1, by inserting before line 29 the
 4 following:
 5 "Sec. ____ Section 904A.1, Code 1989, is amended
 6 to read as follows:
 7 904A.1 BOARD OF PAROLE
 8 The board of parole is created to consist of five
 9 members, three members who shall devote their full
 10 time to the parole and work release system and two
 11 members who shall be part-time. Each member shall
 12 serve a term of four years beginning and ending as
 13 provided by section 69.19, except appointments to fill
 14 vacancies who shall serve for the balance of the
 15 unexpired term. ~~The chairperson of the board shall be~~
 16 ~~elected by the members of the board to a term of one~~
 17 ~~year and may serve more than one term consecutively.~~

18 A majority of the members of the board constitutes a
19 quorum to transact business.

20 Sec. ____ . NEW SECTION. 904A.5A CHAIRPERSON --
21 DESIGNATION, DUTIES, AND POWERS.

22 1. The chief administrative officer of the board
23 of parole is the chairperson. The governor shall
24 designate one of the full-time members of the board of
25 parole as the chairperson. The chairperson shall
26 serve at the pleasure of the governor. The
27 chairperson shall be qualified and experienced in
28 prison expansion.

29 2. The chairperson shall:

30 a. Act as the board of parole's liaison with the
31 governor regarding executive clemency, parole, and
32 work release of inmates.

33 b. Direct, supervise, evaluate, and assign the
34 day-to-day administration of the board of parole.

35 c. Supervise and monitor parole revocations and
36 appeals.

37 d. Supervise final work release revocation case
38 reviews.

39 e. Supervise the development of rules, policies,
40 and procedures relating to the supervision of
41 executive clemency, parole, and work release of
42 inmates, subject to the approval of the board of
43 parole.

44 Sec. ____ . Section 906.5, Code 1989, is amended to
45 read as follows:

46 906.5 RECORD REVIEWED -- RULES.

47 1. Within one year after the commitment of a
48 person other than a class "A" felon, class "B" felon
49 convicted of murder in the second degree and serving a
50 sentence of more than twenty-five years, or a felon

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1 servng a mandatory minimum sentence, other than a
2 class "A" felon, to the custody of the director of the
3 Iowa department of corrections, unless good cause is
4 shown, a member of the board shall interview the
5 person. Thereafter, at regular intervals, not to
6 exceed one year, unless good cause is shown, the board
7 shall interview the person and consider the person's
8 prospects for parole or work release. Not less than
9 twenty days prior to conducting a hearing at which the
10 board will interview the person, the board shall
11 notify the department of corrections of the scheduling
12 of the interview, and the department shall make the
13 person available to the board at the person's

14 institutional residence as scheduled in the notice.
15 However, if health, safety, or security conditions
16 require moving the person to another institution or
17 facility prior to the scheduled interview, the
18 department of corrections shall so notify the board.
19 2. At the time of an interview required under this
20 section, the board shall consider all pertinent
21 information regarding the person, including the
22 circumstances of the person's offense, any presence
23 report which is available, the previous social history
24 and criminal record of the person, the person's
25 conduct, work, and attitude in prison, and the reports
26 of physical and mental examinations that have been
27 made.

28 3. A person while on parole or work release is
29 under the supervision of the district department of
30 correctional services of the district designated by
31 the board of parole. The department of corrections
32 shall prescribe rules for governing persons on parole
33 or work release. The board may adopt other rules not
34 inconsistent with the rules of the department of
35 corrections as the board deems proper or necessary for
36 the performance of its functions.

37 Sec. ____ . Section 908.4, Code 1989, is amended to
38 read as follows:

39 908.4 PAROLE REVOCATION HEARING.

40 The parole revocation hearing shall be conducted by
41 a ~~an~~ administrative parole revocation officer judge
42 who is an attorney appointed pursuant to section
43 904A.5. The revocation hearing shall determine the
44 following:

- 45 1. Whether the alleged parole violation occurred.
- 46 2. Whether the violator's parole should be
47 revoked.

48 The administrative parole revocation officer judge
49 shall make a verbatim record of the proceedings. The
50 alleged violator shall be informed of the evidence

Page 3

1 against the violator, shall be given an opportunity to
2 be heard, shall have the right to present witnesses
3 and other evidence, and shall have the right to cross-
4 examine adverse witnesses, except if the revocation
5 officer judge finds that a witness would be subjected
6 to risk or harm if the witness' identity were
7 disclosed. The revocation hearing may be conducted
8 electronically.

9 Sec. ____ . Section 908.5, Code 1989, is amended by
10 striking the section and inserting in lieu thereof the

11 following:

12 908.5 DISPOSITION.

13 If a violation of parole is established, the
14 administrative parole judge may continue the parole
15 with or without any modification of the conditions of
16 parole. The administrative parole judge may hold the
17 parolee in contempt and order the parolee incarcerated
18 for a jail term not to exceed sixty days while
19 continuing the parole, may revoke the parole and
20 require the parolee to serve the sentence originally
21 imposed, or may revoke the parole and reinstate the
22 parolee's work release status. The order of the
23 administrative parole judge shall contain findings of
24 fact, conclusions of law, and a disposition of the
25 matter.

26 Sec. ____ . Section 908.6, Code 1989, is amended to
27 read as follows:

28 908.6 APPEAL OR REVIEW.

29 The order of the administrative parole ~~revocation~~
30 ~~officer~~ judge shall become the final decision of the
31 board of parole unless, within the time provided by
32 rule, the parole violator appeals the decision or a
33 panel of the board reviews the decision on its own
34 motion. On appeal or review of the administrative
35 ~~parole revocation officer's~~ judge's decision, the
36 board panel has all the power which it would have in
37 initially making the revocation hearing decision. The
38 appeal or review shall be conducted pursuant to rules
39 adopted by the board of parole. The record on appeal
40 or review shall be the record made at the parole
41 revocation hearing conducted by the administrative
42 ~~parole revocation officer~~ judge.

43 Sec. ____ . Section 908.7, Code 1989, is amended to
44 read as follows:

45 908.7 WAIVER OF PAROLE REVOCATION HEARING.

46 The alleged parole violator may waive the parole
47 revocation hearing, in which event the administrative
48 ~~parole revocation officer~~ judge shall proceed to
49 determine the disposition of the matter. The
50 administrative parole ~~revocation officer~~ judge shall

Page 4

1 dispose of the case as provided in section 908.4. The
2 administrative parole ~~revocation officer~~ judge shall
3 make a verbatim record of the proceedings. The waiver
4 proceeding may be conducted electronically.

5 Sec. ____ . Section 908.10, Code 1989, is amended by
6 striking the section and inserting in lieu thereof the
7 following:

8 908.10 CONVICTION OF A FELONY WHILE ON PAROLE.

9 When a person is convicted and sentenced to
10 incarceration in this state for a felony committed
11 while on parole, or is convicted and sentenced to
12 incarceration under the laws of any other state of the
13 United States or a foreign government or country for
14 an offense committed while on parole, and which if
15 committed in this state would be a felony, the
16 person's parole shall be deemed revoked as of the date
17 of the commission of the new felony offense.

18 The parole officer shall inform the sentencing
19 judge that the convicted defendant is a parole
20 violator. The term for which the defendant shall be
21 imprisoned as a parole violator shall be the same as
22 that provided in cases of revocation of parole for
23 violation of the conditions of parole. The new
24 sentence of imprisonment for conviction of a felony
25 shall be served consecutively with the term imposed
26 for the parole violation, unless a concurrent term of
27 imprisonment is ordered by the court.

28 The parolee shall be notified in writing that
29 parole has been revoked on the basis of the new felony
30 conviction, and a copy of the commitment order shall
31 accompany the notification. The inmate's record shall
32 be reviewed pursuant to the provisions of section
33 906.5, or as soon as practical after a final reversal
34 of the new felony conviction.

35 An inmate may appeal the revocation of parole under
36 this section according to the board of parole's rules
37 relating to parole revocation appeals. Neither the
38 administrative parole judge nor the board panel shall
39 retry the facts underlying any conviction."

40 3. Page 2, by striking lines 24 through 26, and
41 inserting the following: "orders of the case in which
42 the victim was involved ~~and may advise the victim of~~
43 ~~any other orders regarding custody or confinement."~~

44 4. Page 2, by striking lines 27 through 31.

45 5. Title page, by striking lines 1 through 5, and
46 inserting the following: "An Act relating to criminal
47 offenses, by providing for the designation of the
48 chairperson of the board of parole, providing for
49 review of an offender's record, for revocation of an
50 offender's parole, and for victim notification and

Page 5

1 registration."

BOB CARR

S-3348

1 Amend amendment, S-3190, to Senate File 220, as
2 follows:

3 1. Page 2, lines 12 and 13, by striking the words
4 "the harness racing tracks in existence on July 1,
5 1989" and inserting the following: "qualified harness
6 racing tracks".

7 2. Page 2, lines 22 and 23, by striking the words
8 "the harness racing tracks in existence on July 1,
9 1989" and inserting the following: "qualified harness
10 racing tracks".

11 3. Page 2, by inserting after line 24 the
12 following:

13 "c. For purposes of this subsection, "qualified
14 harness racing track" means a harness racing track
15 that has either held at least one harness race meet
16 between July 1, 1985, and July 1, 1989, or after July
17 1, 1989, has applied to and been approved by the
18 racing commission for the allocation of funds under
19 this subsection. The racing commission shall approve
20 an application if the harness racing track has held at
21 least one harness race meet during the year preceding
22 the year for which the track seeks funds under this
23 subsection."

LARRY MURPHY

S-3349

1 Amend Senate File 110 as follows:

2 1. By striking page 1, line 1, through page 2,
3 line 11.

4 2. Page 2, by striking line 15 and inserting the
5 following: "the placement of the child shall attend
6 the review".

7 3. Page 2, line 19, by striking the words
8 "receiving state moneys" and inserting the following:
9 "providing services to the child".

10 4. Page 2, by inserting after line 23 the fol-
11 lowing:

12 "Sec. ____ . Section 237.20, subsection 2, Code
13 1989, is amended to read as follows:

14 2. Submit to the appropriate court within fifteen
15 days after the review under subsection 1, the findings
16 and recommendations of the review. The local board
17 shall ensure that the most recent report is available
18 for a court hearing. The report to the court shall

19 include information regarding the permanency plan and
 20 the progress in attaining the permanency goals. The
 21 report shall not include issues that do not pertain to
 22 the permanency plan. The findings and recommendations
 23 shall include the proposed date of the next review by
 24 the local board. The local board shall notify the
 25 persons specified in subsection 4 of the findings and
 26 recommendations.

27 Sec. ____ . Section 237.21, subsection 2, Code 1989,
 28 is amended to read as follows:

29 2. Information and records relating to a child
 30 receiving foster care and to the child's family shall
 31 be provided to a local board or the state board by the
 32 department or child-care agency receiving purchase of
 33 service funds from the department upon request by
 34 either board. A court having jurisdiction of a child
 35 receiving foster care shall release the information
 36 and records the court deems necessary to determine the
 37 needs of the child, if the information and records are
 38 not obtainable elsewhere, to a local board or the
 39 state board upon request by either board. If
 40 confidential information and records are distributed
 41 to individual members in advance of a meeting of the
 42 state board or a local board, the information and
 43 records shall be clearly identified as confidential
 44 and the members shall take appropriate steps to
 45 prevent unauthorized disclosure.”

46 5. By renumbering as necessary.

RICHARD VANDE HOEF

S-3350

1 Amend Senate File 321 as follows:

- 2 1. Page 1, line 33, by striking the word “four”
- 3 and inserting the following: “six”.
- 4 2. Page 3, line 19, by striking the word “four”
- 5 and inserting the following: “six”.
- 6 3. Page 3, line 28, by striking the word “four”
- 7 and inserting the following: “six”.

JOHN W. JENSEN

S-3351

1 Amend Senate File 394 as follows:

- 2 1. Page 1, by striking lines 8 and 9 and
- 3 inserting the following: “paid into a civil

4 reparations trust fund ~~administered by the state court~~
 5 ~~administrator~~. Funds placed in the civil”.

DONALD V. DOYLE

S-3352

1 Amend Senate File 454 as follows:
 2 1. Page 1, by striking lines 10 through 32.
 3 2. By renumbering as necessary.

CALVIN O. HULTMAN

S-3353

1 Amend Senate File 490 as follows:
 2 1. Page 1, by inserting after line 22, the
 3 following:
 4 “Sec. ____ . Section 714.16, subsection 2, paragraph
 5 h, subparagraph (3), unnumbered paragraph 2, Code
 6 1989, is amended to read as follows:
 7 The manufacturer’s performance data sheet shall be
 8 given to the buyer and shall be signed and dated by
 9 the buyer and the seller prior to the consummation of
 10 the sale or at the time of the sale of the water
 11 treatment system. If the seller delivers the
 12 manufacturer’s performance data sheet at the time of
 13 the sale, the buyer shall have at least ten days to
 14 return the water treatment system to the seller, and
 15 upon receipt of the returned merchandise, the seller
 16 shall promptly return the purchase price, tax, and
 17 reasonable shipping charges associated with the return
 18 to the buyer. The manufacturer’s performance data
 19 sheet shall contain information including, but not
 20 limited to:”
 21 2. By renumbering as necessary.

BERLE E. PREIBE
 EMIL J. HUSAK
 DALE TIEDEN
 JOHN E. SOORHOLTZ

S-3354

1 Amend Senate File 417 as follows:
 2 1. Page 1, line 14, by striking the word
 3 “incompetent” and inserting the following: “is”

4 mentally ill".

5 2. Page 1, line 17, by striking the word

6 "incompetency" and inserting the following: "mentally
7 ill".

8 3. Title, line 2, by striking the word

9 "incompetent" and inserting the following: "mentally
10 ill person".

JULIA GENTLEMAN

S-3355

1 Amend Senate File 372 as follows:

2 1. Page 2, by striking lines 17 through 19, and

3 inserting the following: "issue, but is not

4 admissible or binding as to any future violation of

5 the same or similar ordinance provision by the same

6 defendant.".

7 2. Page 4, by striking lines 11 through 13, and

8 inserting the following: "violation at issue, but is

9 not admissible or binding as to any future violation

10 of the same or similar ordinance provision by the same

11 defendant."

ALVIN V. MILLER
DONALD V. DOYLE

S-3356

1 Amend Senate File 271 as follows:

2 1. Page 1, line 9, by inserting after the word

3 "services." the following: "For purposes of this

4 section, "employer" means a private person, firm,

5 association, or business which employs for wages a

6 natural person. The term "employer" does not mean or

7 include the state or a political subdivision of the

8 state."

ALVIN V. MILLER

S-3357

1 Amend Senate File 321 as follows:

2 1. By striking everything after the enacting

3 clause and inserting the following:

4 "Section 1. STATE EMPLOYEE CHILD DAY CARE --

5 SURVEY.

6 The department of personnel shall conduct a survey
7 of all state employees, except employees of the board
8 of regents and regents institutions, to determine
9 interest in on-site child care centers. The survey
10 shall assess, but is not limited to the following:

11 1. The number and ages of children of interested
12 employees.

13 2. The time of day during which child care is
14 desired.

15 3. The work locations of interested employees.

16 4. The fees employees are willing to pay.

17 5. Interest in a voucher system, an alternative
18 method of child care assistance.

19 The department shall report the results of the
20 survey to the general assembly by January 1, 1990.”.

21 2. Title, line 1, by inserting after the words
22 “relating to” the following: “a survey regarding”.

23 3. Title, line 2, by striking the words “and
24 providing effective dates”.

JOHN W. JENSEN

S-3358

1 Amend House File 241, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 27 the
4 following:

5 “Sec. ____ . NEW SECTION. 100B.4 TRAFFIC CONTROL.

6 Notwithstanding a contrary provision of this
7 chapter, if a peace officer is on the scene, the peace
8 officer is in charge of traffic control and a peace
9 officer shall not be prohibited from performing the
10 duties of a peace officer at the fire scene.”

11 2. Page 1, by striking line 28 and inserting the
12 following:

13 “Sec. ____ . NEW SECTION. 100B.5 PENALTY.”

14 3. By renumbering as necessary.

COMMITTEE ON LOCAL GOVERNMENT
ALVIN V. MILLER, Chairperson

S-3359

1 Amend Senate File 278 as follows:

2 1. Page 6, line 31, by inserting after the word
3 “information” the following: “, which may include an

4 independent analysis of the actuarial soundness of the
5 financial plan.”.

ALVIN MILLER
PATRICK DELUHERY

S-3360

1 Amend Senate File 333 as follows:
2 1. Page 4, line 35, by inserting after the word
3 “within” the following: “one hundred”.

MICHAEL E. GRONSTAL

S-3361

1 Amend the amendment, S-3133, to Senate File 214 as
2 follows:
3 1. Page 2, by striking lines 27 through 29, and
4 inserting the following:
5 “____. Page 3, by striking lines 23 through 27 and
6 inserting the following: “board or boards of health,
7 the department or local board or boards of health may
8 request that the county attorney bring appropriate
9 legal proceedings to enforce this chapter, including
10 an action to enjoin violations. The attorney general
11 may also institute appropriate legal proceedings at
12 the request of the department. This remedy is in
13 addition to.”.

WALLY HORN

S-3362

1 Amend Senate File 278 as follows:

DIVISION S—3362A

2 1. Page 3, line 34, by striking the words “five
3 hundred” and inserting the following: “twenty-five
4 thousand”.

DIVISION S—3362B

5 2. Page 7, line 12, by striking the word
6 “material” and inserting the following:
7 “substantial”.

8 3. Page 7, by inserting after line 20, the
9 following:
10 "2A. For purposes of this section, "substantial
11 differences" includes, but is not limited to the
12 following:
13 a. A change of ten percent or more of any item in
14 a financial report, between the pro forma and actual
15 results, or between one fiscal year and the prior
16 fiscal year.
17 b. An item requiring a footnote by the accountant
18 preparing a report according to generally accepted
19 accounting principles."

JULIA B. GENTLEMAN

S-3363

1 Amend Senate File 495 as follows:
2 1. Page 2, by inserting after line 35 the
3 following:
4 "(6) A president of an area community college, or
5 the president's designee."

LEONARD L. BOSWELL

S-3364

1 Amend Senate File 342 as follows:
2 1. Page 1, by striking lines 9 through 14 and
3 inserting the following: "maintained by them. The
4 fees and expenses of an".

JULIA B. GENTLEMAN
MAGGIE TINSMAN

S-3365

1 Amend Senate File 278 as follows:
2 1. Page 2, lines 21 through 22, by striking the
3 words "DEPARTMENT OF ELDER AFFAIRS" and inserting the
4 following: "DIVISION OF INSURANCE".
5 2. Page 2, lines 34 and 35, by striking the words
6 "department of elder affairs, established by chapter
7 249D" and inserting the following: "division of
8 insurance of the department of commerce".
9 3. Page 4, line 14, by striking the words
10 "department of elder affairs" and inserting the

11 following: "division of insurance".
12 4. Page 6, line 32, by striking the words
13 "department of elder affairs" and inserting the
14 following: "division of insurance".
15 5. Page 7, lines 6 and 7, by striking the words
16 "department of elder affairs" and inserting the
17 following: "division of insurance".
18 6. Page 7, lines 15 and 16, by striking the words
19 "department of elder affairs" and inserting the
20 following: "division of insurance".
21 7. Page 7, line 23, by striking the words
22 "department of elder affairs" and inserting the
23 following: "division of insurance".
24 8. Page 8, line 6, by striking the words
25 "department of elder affairs" and inserting the
26 following: "division of insurance".
27 9. Page 8, lines 21 and 22, by striking the words
28 "department of elder affairs" and inserting the
29 following: "division of insurance".
30 10. Page 12, line 27, by striking the words
31 "department of elder affairs" and inserting the
32 following: "division of insurance".

JULIA B. GENTLEMAN

S-3366

1 Amend Senate File 438 as follows:
2 1. Page 1, line 12, by inserting after the word
3 "take," the following: "alter,".
4 2. Page 1, lines 12 and 13, by striking the words
5 "removed or taken" and inserting the following:
6 "removed, taken, or altered".
7 3. Page 1, line 17, by inserting after the word
8 "take," the following: "alter,".
9 4. Page 1, line 18, by striking the words
10 "removed or to be taken" and inserting the following:
11 "removed, taken, or altered".
12 5. Page 1, lines 29 and 30, by striking the words
13 "removal or taking" and inserting the following: "re-
14 moval, taking, or altering".

WILLIAM W. DIELEMAN

S-3367

1 Amend House File 5, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking everything after the
4 enacting clause and inserting the following:
5 "Section 1. Section 85.27, unnumbered paragraph 4,
6 Code 1989, is amended to read as follows:

7 For purposes of this section, the employer is
8 obliged to furnish reasonable services and supplies to
9 treat an injured employee, and during the first ten
10 days of the need for medical care has the right to
11 choose the care. The treatment must be offered
12 promptly and be reasonably suited to treat the injury
13 without undue inconvenience to the employee. After
14 ten days have elapsed since the need for medical care
15 arose, if the employee is dissatisfied with the care
16 offered by the employer, the employee may choose
17 alternate care.

18 Upon the employee's initial visit with the
19 employer's physician, written notification of the
20 employee's option to choose alternate care shall be
21 given to the employee and verified by the employee's
22 signature. Notification of the employee's options in
23 the treatment of work-related injuries shall also be
24 provided at the time of the employee's hiring.
25 Written notification shall be printed in legible type
26 of a size no less than twelve point.

27 The employee shall notify the employer of the name
28 of the employee's physician and the change in care.
29 If the ~~employee~~ employer has reason to be dissatisfied
30 with the care ~~offered~~ given, the ~~employee should~~
31 employer shall communicate in writing the basis of
32 ~~such~~ the dissatisfaction to the ~~employer, in writing~~
33 ~~if requested~~ employee, following which the employer
34 and the employee may agree to alternate care
35 reasonably suited to treat the injury. If the
36 employer and employee cannot agree on such alternate
37 care, the industrial commissioner may, upon
38 application and reasonable proofs of the necessity
39 ~~therefor~~ for other care, allow and order other care.
40 In an emergency, the employee may choose the
41 employee's care at the employer's expense, provided
42 the employer or the employer's agent cannot be reached
43 immediately. In an emergency, the employee shall be
44 transported to the nearest medical facility if the
45 employee is unable to choose the care at the time of
46 the injury. If the employee is transported to a
47 medical facility other than a facility chosen by the
48 employee, the employee's physician of choice must be
49 notified as soon as possible.

50 After commencement of a contested case, this

Page 2

- 1 section shall not authorize ex parte communication
 2 between a health care provider of the employee and the
 3 employer or insurance carrier."

TOM MANN, Jr.
 JOHN A. PETERSON
 RICHARD RUNNING
 AL STURGEON
 WILLIAM D. PALMER
 DON E. GETTINGS
 BILL HUTCHINS

S-3368

- 1 Amend Senate File 266 as follows:
 2 1. Page 1, line 5, by striking the words "a new
 3 or changed" and inserting the following: "an
 4 increased".
 5 2. Page 1, line 8, by striking the words "as
 6 provided under" and inserting the following: "which
 7 meets the primary objectives of".
 8 3. Title page, line 2, by striking the words "new
 9 or changed" and inserting the following: "increased".

RICHARD VARN

S-3369

- 1 Amend Senate File 278 as follows:
 2 1. Page 1, line 8, by inserting after the figure
 3 "135C," the following: "or community supervised
 4 living arrangements approved by the department of
 5 human services under section 225C.21,".

JOE WELSH
 PAT DELUHERY

S-3370

- 1 Amend Senate File 458 as follows:
 2 1. Page 1, line 8, by striking the word "owned"
 3 and inserting the following: "owns".
 4 2. Page 1, line 12, by striking the words "on the
 5 basis of" and inserting the following: "providing

6 insurance coverage to a person involved in, or who
7 owns a motor vehicle involved in.”.

8 3. Page 1, line 13, by striking the words
9 “accident involving a” and inserting the following:
10 “accidental”.

11 4. Page 1, line 16, by striking the word
12 “accident” and inserting the following: “accidental
13 collision”.

MARK HAGERLA

S-3371

1 Amend Senate File 199 as follows:

2 1. Page 1, by striking lines 1 through 7 and
3 inserting the following:

4 “Sec. ____ . Section 237A.1, subsection 7,
5 unnumbered paragraph 1, Code 1989, is amended to read
6 as follows:

7 “Child day care” means the care, supervision, or
8 guidance of a child by a person other than the parent,
9 guardian, relative, or custodian for periods of ~~two~~
10 ~~hours or more and~~ less than twenty-four hours per day
11 per child on a regular basis in a place other than the
12 child’s home, but does not include:

13 Sec. ____ . Section 237A.1, subsection 9, Code 1989,
14 is amended to read as follows:

15 9. a. “Family day care home” means a facility
16 which provides child day care to less than seven
17 children at one time.

18 b. “Group day care home” means a facility
19 providing child day care for more than six but less
20 than twelve children at one time, with no more than
21 six children at one time ~~being less than six years of~~
22 ~~age who are not attending school on at least the~~
23 kindergarten level.”

24 2. Page 1, line 19, by inserting after the word
25 “level” the following: “and the staff-to-children
26 ratio is in accordance with rules adopted pursuant to
27 section 237A.12, subsection 1”.

28 3. Title page, by striking line 1 and inserting
29 the following: “An Act relating to child day care by
30 amending certain definitions and certain requirements
31 for group day care homes.”

32 4. By renumbering as necessary.

MAGGIE TINSMAN
JEAN LLOYD-JONES
BEVERLY A. HANNON

CHARLES BRUNER
JIM LIND
RAY TAYLOR

S-3372

1 Amend Senate File 450 as follows:
2 1. Page 5, by inserting after line 12 the
3 following:
4 "Sec. ____ . Section 808A.1, subsection 4, paragraph
5 d, Code 1989, is amended to read as follows:
6 d. A school locker, desk, or other facility or
7 space issued or assigned to, or chosen by, the student
8 for the storage of personal belongings of any kind,
9 which the student locks or is permitted to lock.
10 School officials may conduct periodic inspections of
11 all school lockers. ~~However, the school district~~
12 ~~shall provide notice to the students, at least twenty-~~
13 ~~four hours prior to the inspection, of the date and~~
14 ~~time of the inspection.~~
15 Sec. ____ . Section 808A.2, subsection 3, paragraph
16 c, Code 1989, is amended by striking the paragraph."
17 2. Title page, line 5, by striking the word
18 "and".
19 3. Title page, line 5, by inserting after the
20 word "changes" the following: "and providing for
21 student locker searches".

MARK HAGERLA

S-3373

1 Amend Senate File 449 as follows:
2 1. Page 3, lines 26 and 27, by striking the words
3 "and the state" and inserting the following: ", the
4 state, the nation, and in other countries".
5 2. Page 4, line 31, by inserting after the word
6 "area." the following: "If the board of directors of
7 the merged area chooses not to enter into contracts
8 with private institutions under this subsection, the
9 board shall submit a list of reasons why contracts to
10 avoid duplication were not entered into and an
11 economic impact statement relating to the board's
12 decision."

LARRY MURPHY

S-3374

1 Amend Senate File 362 as follows:

- 2 1. Page 8, line 25, by inserting after the word
3 "year." the following: "Expenditures for executive
4 administration are not authorized expenditures under
5 this chapter."
6 2. Page 72, line 34, by inserting after the word
7 "in" the following: "a subfund of".
8 3. Page 84, line 2, by striking the word
9 "account" and inserting the following: "subfund".
10 4. Page 84, by inserting after line 3 the
11 following:
12 "____. To pay the costs of executive
13 administration."
14 5. By renumbering as necessary.

LARRY MURPHY

S-3375

1 Amend Senate File 470 as follows:

- 2 1. Page 1, line 19, by inserting after the word
3 "generators" the following: ", including assistance".

ALVIN V. MILLER
PATRICK DELUHERY

S-3376

1 Amend Senate File 271 as follows:

- 2 1. Page 1, by inserting after line 12 the
3 following:
4 "For purposes of this section, "financial
5 assistance" does not include assistance under chapter
6 280B if the inclusion of such assistance would
7 threaten the federal income tax exempt status of the
8 interest from the industrial new jobs training
9 certificates issued pursuant to chapter 280B. The
10 department of revenue and finance shall seek a revenue
11 ruling from the internal revenue service in this
12 regard. Upon receipt of the revenue ruling, the
13 department of revenue and finance shall notify the
14 department of employment services of its contents and
15 until the receipt of such ruling shall provide the
16 department of employment services its opinion in

17 regard to the possible loss of such federal income tax
18 exemption.”

RICHARD RUNNING

S-3377

1 Amend Senate File 438 as follows:
2 1. Page 2, by inserting after line 1 the
3 following:
4 “c. If the nonconforming use of the device is
5 required to be terminated by a local zoning ordinance
6 after the expiration of a reasonable amortization
7 period. This exemption does not apply to subsection
8 4.”

JEAN LLOYD-JONES
JULIA GENTLEMAN
TOM MANN, JR.

S-3378

1 Amend Senate File 438 as follows:
2 1. Page 2, by inserting after line 1 the
3 following:
4 “c. The device is within the corporate limits of a
5 city. This exemption does not apply to subsection 4.”

JEAN LLOYD-JONES
JULIA GENTLEMAN
TOM MANN, JR.

S-3379

1 Amend Senate File 438 as follows:
2 1. Page 2, by inserting after line 1 the
3 following:
4 “c. The device is within the corporate limits of a
5 city.”

JEAN LLOYD-JONES
JULIA GENTLEMAN
TOM MANN, JR.

S-3380

1 Amend Senate File 438 as follows:

- 2 1. Page 2, by inserting after line 1 the
3 following:
4 "c. The regulation of the device is pursuant to a
5 duly enacted zoning ordinance. This exemption does
6 not apply to subsection 4."

JEAN LLOYD-JONES
TOM MANN, JR.

S-3381

- 1 Amend Senate File 438 as follows:
2 1. Page 2, by inserting after line 1 the
3 following:
4 "c. The regulation of the device is pursuant to a
5 duly enacted zoning ordinance."

JEAN LLOYD-JONES
TOM MANN, JR.

S-3382

- 1 Amend Senate File 438 as follows:
2 1. Page 2, by inserting after line 1 the
3 following:
4 "c. If the nonconforming use of the device is
5 required to be terminated by a local zoning ordinance
6 after the expiration of a reasonable amortization
7 period of not less than ten years. This exemption
8 does not apply to subsection 4."

JEAN LLOYD-JONES
JULIA GENTLEMAN
TOM MANN, JR.

S-3383

- 1 Amend the amendment, S-3367, to House File 5 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 1, by striking line 50 through page 2, line 3.

CALVIN O. HULTMAN

S-3384

- 1 Amend Senate File 438 as follows:
2 1. Page 1, by striking lines 11 through 17 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".

7 2. Page 1, line 24, by striking the words "For
8 the department, the" and inserting the following:
9 "The".

10 3. Page 1, line 27, by inserting after the word
11 "department" the following: "and political
12 subdivisions of this state".

13 4. Page 2, line 14, by inserting after the word
14 "department" the following: "or political
15 subdivisions of this state".

ELAINE SZYMONIAK

S-3385

1 Amend Senate File 271 as follows:

2 1. Page 1, line 5, by inserting after the word
3 "subdivision," the following: "except an employer
4 that is only receiving assistance under chapter
5 280B,".

LEONARD L. BOSWELL

S-3386

1 Amend Senate File 362 as follows:

2 1. Page 27, by inserting after line 25 the
3 following:

4 "Sec. ____ . NEW SECTION. 257.18A EDUCATIONAL
5 IMPROVEMENT PROGRAM.

6 The board of directors of a school district in
7 which the district cost per pupil is one hundred ten
8 percent of the state cost per pupil for a budget year
9 may hold a hearing and call an election in the manner
10 provided for approval of the instructional support
11 program in section 257.19. The proposition voted upon
12 at the election is whether the school district shall
13 establish an educational improvement program to
14 provide additional revenues equal to a specified
15 percent of the district cost of the district for a
16 five-year period. If a majority of those voting on
17 the proposition approves it, the board shall certify
18 the amount to be raised under the educational
19 improvement program to the department of management.
20 The educational improvement program shall be funded

21 by a combination of an educational improvement
22 property tax and an educational improvement income
23 surtax. The combination of the educational
24 improvement property tax and the educational
25 improvement income surtax shall be imposed in the
26 proportion of a property tax of twenty-seven cents per
27 thousand dollars of assessed valuation of taxable
28 property in the district for each five percent of
29 income surtax. However, if the amount of revenue to
30 be raised for the educational improvement program is
31 greater than the amount that could be financed by a
32 property tax of fifty-four cents per thousand dollars
33 of assessed valuation of taxable property in the
34 district and ten percent of income surtax, the
35 remainder shall be financed by property tax. The
36 department of management shall establish the amount of
37 the educational improvement property tax to be levied
38 and the amount of the school district income surtax to
39 be imposed for each school year that the educational
40 improvement amount is authorized.
41 The educational improvement property tax and
42 educational improvement income surtax shall be levied
43 and imposed in the same manner as provided for the
44 instructional support program in sections 257.19A
45 through 257.19F."

LARRY MURPHY

S-3387

1 Amend Senate File 108 as follows:
2 1. Page 1, by inserting before line 7 the
3 following:
4 "Sec. ____ . There is appropriated from the general
5 fund of the state for the fiscal year beginning July
6 1, 1989, and ending June 30, 1990, to the department
7 of natural resources the sum of \$100,000, or so much
8 thereof as is necessary, to reconstruct the bridge
9 over the canal at Black Hawk state park. The bridge
10 shall be reconstructed to provide a ten-foot clearance
11 above the normal water level on Black Hawk lake."
12 2. Title page, line 2, by inserting after the
13 word "Nashua" the following: "and for the
14 reconstruction of a bridge over a canal at Black Hawk
15 state park".

LINN FUHRMAN
JAMES RIORDAN
BERL E. PRIEBE

S-3388

- 1 Amend Senate File 362 as follows:
- 2 1. Page 2, by striking lines 2 through 15.

MICHAEL E. GRONSTAL
JULIA GENTLEMAN

S-3389

- 1 Amend Senate File 409 as follows:
- 2 1. Page 1, by striking lines 1 through 35.
- 3 2. By renumbering as necessary.

ELAINE SZYMONIAK

S-3390

- 1 Amend Senate File 384 as follows:
- 2 1. Page 1, line 10, by inserting after the word
- 3 "accident" the following: ", or to highway related
- 4 activities permitted by the appropriate jurisdiction,
- 5 or when authorized by statute".

MARK R. HAGERLA

S-3391

- 1 Amend Senate File 390 as follows:
- 2 1. Page 2, line 7, by striking the word "two" and
- 3 inserting the following: "five".
- 4 2. Page 2, line 21, by inserting after the word
- 5 "value." the following: "Before the company or
- 6 association sells or otherwise disposes of
- 7 agricultural land held pursuant to this paragraph, the
- 8 state bank shall first offer the immediately prior
- 9 owner the opportunity to repurchase the agricultural
- 10 land on the same terms the company or association
- 11 proposes to sell or dispose of the agricultural land,
- 12 according to the same procedures as provided in
- 13 section 524.910."
- 14 3. Page 2, line 31, by striking the words "five
- 15 two" and inserting the following: "five".
- 16 4. Page 3, by striking lines 12 through 17, and
- 17 inserting the following: "as state banks.
- 18 3. Before the state bank sells or otherwise
- 19 disposes of agricultural land, other than a designated

20 homestead as provided in section 654.16, held pursuant
21 to this subsection 2, the state bank shall first offer
22 the immediately prior owner the opportunity to
23 repurchase the agricultural land on the terms the
24 state bank proposes to sell or dispose of the
25 agricultural land.”

26 5. Page 3, by inserting after line 17, the
27 following:

28 “4. The state bank shall dispose of agricultural
29 land held pursuant to subsection 2 as follows:

30 a. Not later than the time the sheriff’s deed is
31 recorded, the state bank shall notify the immediately
32 prior owner of the owner’s right of first refusal. A
33 copy of this subsection, titled “Notice of Right of
34 First Refusal” is sufficient notice.

35 b. If the state bank proposes to sell or otherwise
36 dispose of the agricultural land in a transaction
37 other than a public auction, the state bank shall
38 first offer the mortgagor the opportunity to
39 repurchase the agricultural land on the same terms the
40 state bank proposes to sell or dispose of the
41 agricultural land. If the state bank seeks to sell or
42 otherwise dispose of the agricultural land by public
43 auction, the immediately prior owner must be given
44 sixty days’ notice of all of the following:

45 (1) The date, time, place, and procedures of the
46 auction sale.

47 (2) Any minimum terms or limitations imposed upon
48 the auction.

49 c. The state bank is not required to offer the
50 immediately prior owner financing for the purchase of

Page 2

1 the agricultural land.

2 d. The immediately prior owner has ten business
3 days after being given notice of the terms of the
4 proposed sale or disposition, other than a public
5 auction, in which to exercise the right to repurchase
6 the agricultural land by submitting a binding offer to
7 the state bank on the same terms as the proposed sale
8 or other disposition, with closing to occur within
9 thirty days after the offer unless otherwise agreed by
10 the state bank. After the expiration of either the
11 period for offer or the period for closing, without
12 submission of an offer or a closing occurring, the
13 state bank may sell or otherwise dispose of the
14 designated homestead to any other person on the terms
15 upon which it was offered to the immediately prior

16 owner.

17 e. Notice of the immediately prior owner's right
 18 of first refusal, a proposed sale, auction, or other
 19 disposition, or the submission of a binding offer by
 20 the immediately prior owner is considered given on the
 21 date that the notice or offer is personally served on
 22 the other party or on the date that the notice or
 23 offer is mailed to the other party's last known
 24 address by certified mail or restricted certified
 25 mail. The right of first refusal provided in this
 26 section is not assignable, but may be exercised by the
 27 immediately prior owner's successor in interest,
 28 receiver, personal representative, executor, or heir
 29 only in case of bankruptcy, receivership, or death of
 30 the immediately prior owner."

31 6. Page 3, line 18, by striking the figure and
 32 words "Code 1989, is" and inserting the following:
 33 "unnumbered paragraphs 1 through 5, Code 1989 are".

34 7. Page 3, by striking line 20.

35 8. Page 4, line 6, by striking the words "~~two~~
 36 years one year" and inserting the following: "two
 37 years".

38 9. By striking page 4, line 17 through page 6,
 39 line 4, and inserting the following:

40 "Sec. ____ . Section 654.16, subsections 1 through
 41 5, and unnumbered paragraph 6, Code 1989, are amended
 42 by striking the subsections and the paragraph."

43 10. Page 6, line 8, by striking the figure "1991"
 44 and inserting the following: "1994".

45 11. Page 6, by striking lines 11 through 16.

46 12. Page 6, by striking lines 17 through 21.

JIM RIORDAN

S-3392

1 Amend Senate File 271 as follows:

2 1. Page 1, line 5, by inserting after the word
 3 "subdivision," the following: "except an employer
 4 that is only receiving assistance under chapters 280B
 5 and 280C,".

JOHN P. KIBBIE
 LEONARD L. BOSWELL

S-3393

1 Amend Senate Joint Resolution 9 as follows:

2 1. Page 1, by inserting after line 33 the
3 following: "All conditional language shall contain a
4 monetary appropriation amount. The governor may
5 disapprove conditional language which does not contain
6 a monetary appropriation amount."

CALVIN O. HULTMAN

S-3394

1 Amend Senate File 390 as follows:
2 1. Page 3, line 10, by inserting after the word
3 "value." The following: "The state bank shall notify
4 the land's immediately prior owner of the new value of
5 the land within ten days after the bank records the
6 land's new value on the bank's books."
7 2. Page 3, line 17, by inserting after the word
8 "land." the following: "National banks valuing land
9 on the same basis as state banks shall notify the
10 land's immediately prior owner of the new value of the
11 land within ten days after the bank records the land's
12 new value on the bank's books. A person, other than a
13 state bank or national bank valuing land on the same
14 basis as a state bank, which in the ordinary course of
15 business lends money to finance agricultural land
16 purchases or agricultural operations and which
17 acquires real property under this subsection, shall
18 notify the land's immediately prior owner of a new
19 appraised value of the land within ten days after the
20 person records the land's new value on the person's
21 books."
22 3. Page 6, by inserting after line 16, the
23 following:
24 "Sec. ____ . A person, including a state or national
25 bank, required to notify an immediately prior owner of
26 agricultural land of the land's new value as recorded
27 in the person's books, pursuant to section 524.910,
28 Code 1989, as amended by this Act, shall, beginning on
29 July 1, 1989, provide notice of the most recent change
30 in value to the prior owner, regardless of whether the
31 last valuation occurred before, on, or after July 1,
32 1989."
33 4. By renumbering as necessary.

RICHARD VANDE HOEF

S-3395

1 Amend Senate File 438 as follows:
2 1. Page 1, by striking lines 5 and 6 and
3 inserting the following:
4 "Sec. ____ . NEW SECTION. 306C.24 OFF-PREMISES
5 ADVERTISING DEVICES."
6 2. Page 2, by inserting after line 12 the
7 following:
8 "5. OUTDOOR ADVERTISING OF TOBACCO PRODUCTS
9 PROHIBITED. Effective July 1, 1989, a person shall
10 not place or cause to be placed in any manner, an
11 advertisement for cigarettes as defined in section
12 98.1, subsection 1, or tobacco products as defined in
13 section 98.42, subsection 1, on an off-premises
14 advertising device if the device would be subject to
15 payment of just compensation under subsection 2 or 4
16 if removed, taken, or caused to be removed or taken by
17 a political subdivision or the department.
18 3. Page 2, line 13, by striking the figure "5"
19 and inserting the following: "6".
20 4. Title page, line 1, by inserting before the
21 word "requiring" the following: "relating to off-
22 premises advertising devices and".

RAY TAYLOR

S-3396

1 Amend Senate File 472 as follows:
2 1. Page 2, by inserting after line 30, the
3 following:
4 "By June 1 of the year before a parent or guardian
5 places a child in a nonaccredited private school or a
6 home education program, the parent or guardian shall
7 provide the results of an initial screening and
8 evidence that a subsequent evaluation is in progress
9 or completed, if an evaluation is required as a result
10 of the screening, for vision, hearing, speech, and
11 motor skills and to determine eligibility for special
12 education services. The initial screening and any
13 subsequent evaluation may be performed either by area
14 education agency personnel or by personnel not
15 employed by the area education agency, if the other
16 personnel have been approved by the department of
17 education to conduct screenings or evaluations. If
18 the screening or evaluation is performed by personnel
19 other than those employed by the area education

20 agency, the parent or guardian shall pay for the cost
21 of any screening and any subsequent evaluation. If
22 the screening shows the presence of a vision, hearing,
23 speech, or motor impairment, the parent or guardian
24 shall annually provide evidence that appropriate
25 services are being provided for the child. Services
26 may be provided either by area education agency
27 personnel or by means of the parent or guardian
28 contracting with, and paying for the services of,
29 private special education services providers. If the
30 screening or evaluation shows the need for special
31 education services requiring removal of the child from
32 the intended educational environment, the child shall
33 not be placed in a private or home education program
34 under this chapter without the approval of the special
35 education director of the area education agency in
36 accordance with the rules adopted by the state board
37 of education and the procedures specified in section
38 281.6.”

39 2. Page 3, line 5, by inserting after the word
40 “remediation” the following: “or is receiving special
41 education support services provided by area education
42 agency personnel”.

43 3. Page 3, line 10, by inserting after the word
44 “year.” the following: “If a child is receiving
45 special education support services, as a result of a
46 screening and any subsequent evaluation showing the
47 presence of a vision, hearing, speech, or motor
48 impairment, the child shall be counted as six-tenths
49 of a pupil. The one-tenth of a pupil weighting
50 received by a district as a result of the provision of

Page 2

1 special education support services shall be
2 transmitted by the district to the area education
3 agency which is providing the services.”

4 4. Page 6, line 17, by inserting after the figure
5 “299A.6” the following: “and the use of area
6 education agency services for provision of initial
7 screenings, evaluations, and the provision of special
8 education support services”.

WALLY HORN

S-3397

1 Amend Senate File 498 as follows:
2 1. Page 1, by inserting after line 23 the

3 following:

4 "Sec. ____ . This Act, being deemed of immediate
5 importance, takes effect upon enactment."

6 2. Title, line 2, by inserting after the word
7 "magistrates" the following: ", and providing an
8 effective date".

JACK W. HESTER

S-3398

1 Amend Senate File 273 as follows:

2 1. Page 1, by striking lines 16 and 17 and
3 inserting the following: "one time, with no more than
4 six children at one time ~~being less than six years of~~
5 ~~age who are not attending school on at least the~~
6 kindergarten level."

7 Sec. 3. Section 237A.3, subsection 2, Code 1989,
8 is amended to read as follows:

9 2. A person shall not operate or establish a group
10 day care home unless the person obtains a certificate
11 of registration under this chapter. In order to be
12 registered, the group day care home shall have at
13 least one responsible individual, age fourteen or
14 older, on duty to assist the group day care home
15 provider when there are more than six children present
16 for more than a two-hour period. However, more than
17 twelve children may be kept in a group day care home
18 at one time for a period of one hour or less if each
19 additional child is attending school on at least the
20 kindergarten level and the staff-to-children ratio is
21 in accordance with rules adopted pursuant to section
22 237A.12, subsection 1. All other requirements of this
23 chapter for registered family day care homes and the
24 rules adopted under this chapter for registered family
25 day care homes apply to group day care homes. In
26 addition, the department shall adopt rules relating to
27 the provision in group day care homes for a separate
28 area for sick children. In consultation with the
29 state fire marshal, the department shall adopt rules
30 relating to the provision of fire extinguishers, smoke
31 detectors, and two exits accessible to children."

32 2. Title page, line 2, by inserting after the
33 word "definitions" the following: "and certain
34 requirements for group day care homes".

JIM LIND
JEAN LLOYD-JONES
BEVERLY A. HANNON

RAY TAYLOR
MAGGIE TINSMAN
CHARLES BRUNER

S-3399

- 1 Amend Senate File 445 as follows:
- 2 1. Page 6, by striking line 35 through page 7,
- 3 line 3 and inserting the following: "excess policy."

TOM MANN, JR.

S-3400

- 1 Amend Senate File 280 as follows:
- 2 1. Page 1, line 4, by striking the word
- 3 "Industrial" and inserting the following:
- 4 "Speculative shell".
- 5 2. Page 1, line 6 by inserting after the word
- 6 "taxation" the following: "following a motion by a
- 7 city council or a county board of supervisors".
- 8 3. Page 1, by inserting after line 8 the
- 9 following: "For purposes of this subsection, a
- 10 speculative shell building shall only be leased for a
- 11 purpose consistent with the purpose for which it was
- 12 built."

COMMITTEE ON WAYS AND MEANS
WILLIAM W. DIELEMAN, Chairperson

S-3401

- 1 Amend Senate File 449 as follows:
- 2 1. Page 1, line 19, by striking the words "and
- 3 industrial" and inserting the following:
- 4 "industrial,".
- 5 2. Page 1, line 26, by inserting after the word
- 6 "employment" the following: "and self-employment".
- 7 3. Page 2, line 21, by inserting after the word
- 8 "skills" the following: ", including self-employment
- 9 skills,".
- 10 4. Page 2, line 21, by striking the word "and"
- 11 and inserting the following: ", leadership skills,
- 12 and".
- 13 5. Page 3, line 26, by inserting after the word
- 14 "labor-market" the following: "and self-employment".

LARRY MURPHY
RAY TAYLOR

S-3402

- 1 Amend Senate File 494 as follows:
- 2 1. Page 1, by inserting after line 13 the
- 3 following:
- 4 "Sec. ____ . This Act applies to all wills admitted
- 5 to probate on or after the effective date of the Act."
- 6 2. Title page, line 2, by inserting after the
- 7 word "devisee" the following: ", and providing for
- 8 the Act's applicability".
- 9 3. Renumber as necessary.

RICHARD VARN

S-3403

- 1 Amend Senate File 390 as follows:
- 2 1. Page 4, line 32, by inserting after the word
- 3 "terms" the following: "and at the same price that".
- 4 2. Page 5, line 11, by inserting after the word
- 5 "terms" the following: "and price".

RICHARD VANDE HOEF

S-3404

- 1 Amend Senate File 449 as follows:
- 2 1. Page 1, line 19, by striking the words "and
- 3 industrial" and inserting the following:
- 4 "industrial,".
- 5 2. Page 1, line 26, by inserting after the word
- 6 "employment" the following: ", self-employment and
- 7 entrepreneurial".
- 8 3. Page 2, line 21, by inserting after the word
- 9 "skills" the following: ", including self-employment
- 10 and entrepreneurial skills,".
- 11 4. Page 2, line 21, by striking the word "and"
- 12 and inserting the following: ", leadership skills,
- 13 entrepreneurial, and".
- 14 5. Page 3, line 26, by inserting after the word
- 15 "labor-market" the following: ", entrepreneurial, and
- 16 self-employment".

LARRY MURPHY
RAY TAYLOR

S-3405

- 1 Amend the amendment, S-3399, to Senate File 445 as
- 2 follows:
- 3 1. Page 1, line 3, by striking the figure "3" and
- 4 inserting the following: "2".

MICHAEL E. GRONSTAL

S-3406

- 1 Amend Senate File 504 as follows:
- 2 1. Page 1, line 19, by inserting after the word
- 3 "agency" the following: "as provided in sections
- 4 479.45 through 479.47, where applicable,".

RAY TAYLOR

S-3407

- 1 Amend Senate File 370 as follows:
- 2 1. Page 1, line 16, by striking the words
- 3 "composed of".
- 4 2. By striking page 2, line 12 through page 3,
- 5 line 17.
- 6 3. Page 3, by inserting before line 18 the
- 7 following:
- 8 "Sec. ____ . Section 116.11, unnumbered paragraph 3,
- 9 Code 1989, is amended by striking the paragraph and
- 10 inserting in lieu thereof the following:
- 11 The examination shall be prescribed by the board
- 12 and shall be designed and given in a manner as to
- 13 fairly test the applicant's knowledge of accounting.
- 14 The examination shall not include questions relating
- 15 to the subject of auditing."
- 16 4. Title, line 3, by striking the word
- 17 "requirements" and inserting the following:
- 18 "examinations".
- 19 5. By renumbering as necessary.

EUGENE FRAISE

S-3408

- 1 Amend Senate File 426 as follows:
- 2 1. Page 2, by inserting after line 2 the
- 3 following:
- 4 "Sec. ____ . Section 811.1, subsection 2, Code 1989,
- 5 is amended to read as follows:
- 6 2. A defendant appealing a conviction of a class
- 7 "A" felony, murder, felonious assault, sexual abuse in
- 8 the second degree, sexual abuse in the third degree in
- 9 violation of section 709.4, subsections 1 and 3,
- 10 kidnapping, robbery in the first degree, arson in the
- 11 first degree, or burglary in the first degree."
- 12 2. Title page, line 3, by inserting after the
- 13 word "felony," the following: "to release on appeal
- 14 from a conviction of sexual abuse in the third
- 15 degree,".
- 16 3. By renumbering as necessary.

COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

S-3409

- 1 Amend Senate File 450 as follows:
- 2 1. Page 6, by inserting after line 6 the
- 3 following:
- 4 "Sec. ____ . DISPUTE RESOLUTION STUDY. The
- 5 department of education shall develop and establish a
- 6 conflict resolution program to assist teachers and
- 7 administrators in the management of disputes between
- 8 students. The department shall establish at least one
- 9 pilot project in a district within the state. The
- 10 department shall notify all districts of the
- 11 development of the program and make its selection on
- 12 the basis of interest and ability to implement the
- 13 program. In developing the conflict resolution
- 14 program and pilot projects, the department shall
- 15 consult with the Iowa peace institute office of
- 16 dispute resolution, representatives of the national
- 17 association for mediation in education, and other
- 18 persons and groups with expertise and experience in
- 19 the area of conflict resolution. The department shall
- 20 summarize the results of the conflict resolution
- 21 program and submit the summary, along with any
- 22 recommendations relating to statewide implementation
- 23 of conflict resolution programs, in a report to the

- 24 general assembly by January 1, 1991.”
25 2. By renumbering as necessary.

JEAN LLOYD-JONES
LARRY MURPHY
RICHARD VARN
ROBERT CARR
BEVERLY HANNON
CHARLES BRUNER

S-3410

- 1 Amend Senate File 459 as follows:
2 1. Page 1, by striking line 27 and inserting the
3 following: “is under sixty-five years of age at the
4 time the judge becomes”.

DONALD V. DOYLE

S-3411

- 1 Amend the amendment, S-3263, to Senate File 210 as
2 follows:
3 1. Page 2, line 14, by striking the letter “a.”
4 2. Page 2, line 22, by striking the words “in a”
5 and inserting the following: “in a”.
6 3. Page 2, line 26, by striking the word “in” and
7 inserting the following: “in”.
8 4. Page 2, line 27, by striking the word “a”.
9 5. Page 2, line 30, by striking the letter “b.”
10 6. Page 2, line 40, by striking the word
11 “vehiele” and inserting the following: “vehicle”.
12 7. Page 2, line 44, by striking the word
13 “microfilm,” and inserting the following:
14 “microfilm”.
15 8. Page 2, line 45, by striking the words “shall
16 be are” and inserting the following: “shall be”.
17 9. Page 3, line 50, by inserting after the word
18 “registration” the following: “fee”.
19 10. Page 4, line 11, by inserting after the
20 figure “2” the following: “and this section”.
21 11. Page 4, line 12, by striking the word “takes”
22 and inserting the following: “take”.

WILLIAM W. DIELEMAN

S-3412

- 1 Amend Senate File 486 as follows:
 2 1. Page 1, line 8, by inserting after the word
 3 "determined." the following: "It is not a violation
 4 of this subsection for the lessor and the lessee to
 5 agree in writing to allow the lessee to acquire
 6 ownership of the property for less than the amounts
 7 referred to in this subsection."
 8 2. Page 1, by inserting after line 26, the
 9 following:
 10 "3. It is not a violation of this section for the
 11 lessor and the lessee to agree in writing to allow the
 12 lessee to acquire ownership of the property for less
 13 than the amounts referred to in this section."

MICHAEL GRONSTAL

S-3413

- 1 Amend Senate File 375 as follows:

DIVISION S—3413A

- 2 1. Page 1, line 7, by striking the word
 3 "paragraphs" and inserting the following:
 4 "paragraph".
 5 2. Page 1, by striking lines 8 through 16.

DIVISION S—3413B

- 6 3. Page 1, by inserting after line 19 the fol-
 7 lowing:
 8 "Sec. ____ . NEW SECTION. 455A.8 APPROVAL OF MAJOR
 9 PROJECTS.
 10 The department shall not construct, erect, or
 11 develop a project which has an estimated total cost of
 12 more than one million dollars without first receiving
 13 the approval of the general assembly. If the general
 14 assembly has adjourned sine die and approval of a
 15 project is needed before the commencement of the next
 16 regular session of the general assembly, a project of
 17 the department may be approved by the legislative
 18 council. The availability of funding to complete a
 19 project does not satisfy the requirement for approval
 20 by the general assembly or the legislative council
 21 unless the funds are specifically appropriated by the
 22 general assembly for that project."

23 4. Title page, by striking lines 1 and 2 and
 24 inserting the following: "An Act requiring
 25 legislative approval of major projects of the
 26 department of natural resources."

BERL E. PRIEBE
 JAMES RIORDAN

S-3414

1 Amend Senate File 462 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 536A.23, subsection 2, Code
 5 1989, is amended by striking the subsection and
 6 inserting in lieu thereof the following:
 7 2. Charge, receive, or collect in advance, a
 8 service charge in excess of one dollar for each fifty
 9 dollars of the amount of the note, not to exceed a
 10 total of one hundred twenty dollars.
 11 Sec. 2. Section 537.2402, subsection 3, Code 1989,
 12 is amended to read as follows:
 13 3. If the billing cycle is monthly, the charge ~~may~~
 14 shall not exceed an amount equal to one and ~~one-half~~
 15 sixty-five hundredths percent of ~~that part of the~~
 16 maximum amount pursuant to subsection 2 ~~which is five~~
 17 hundred dollars or less and one and one-fourth percent
 18 ~~of that part of the maximum amount which is more than~~
 19 five hundred dollars. If the billing cycle is not
 20 monthly, the maximum charge for the billing cycle
 21 shall bear the same relation to the applicable monthly
 22 maximum charge as the number of days in the billing
 23 cycle bears to three hundred sixty-five divided by
 24 twelve. A billing cycle is monthly if the closing
 25 date of the cycle is the same date each month or does
 26 not vary by more than four days from the regular date.
 27 2. Title page, by striking lines 4 through 5, and
 28 inserting the following: "to open-end credit."

JOE WELSH

S-3415

1 Amend Senate File 136 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 358A.10, Code 1989, is amended
 5 to read as follows:

6 358A.10 BOARD OF ADJUSTMENT.

7 The board of supervisors shall provide for the
 8 appointment of a board of adjustment, and in the
 9 regulations and restrictions adopted pursuant to the
 10 authority of this chapter shall provide that the ~~said~~
 11 board of adjustment may, in appropriate cases, and
 12 subject to appropriate conditions and safeguards, make
 13 special exceptions to the terms of the ordinances or
 14 regulations in harmony with its general purpose and
 15 intent and in accordance with the general or specific
 16 rules therein contained, and provide that any property
 17 owner aggrieved by the action of the board of
 18 supervisors in the adoption of ~~such the~~ regulations
 19 and restrictions may petition the ~~said~~ board of
 20 adjustment direct to modify regulations and
 21 restrictions as applied to ~~such the~~ property owners.
 22 The board of supervisors may appoint itself as the
 23 board of adjustment in which case section 358A.11 does
 24 not apply.

25 Alternatively, the board of supervisors may provide
 26 procedures for its review of actions by the board of
 27 adjustment before their effective date. The board of
 28 supervisors may affirm, modify, or reverse a decision
 29 of the board of adjustment or remand a decision to the
 30 board of adjustment for further study. The effective
 31 date of the action of the board of adjustment is
 32 delayed for thirty days to allow for board of
 33 supervisor review. Final decisions of the board of
 34 supervisors are subject to review as provided by
 35 sections 358A.18 through 358A.22.

36 Sec. 2. Section 414.7, Code 1989, is amended to
 37 read as follows:

38 414.7 BOARD OF ADJUSTMENT -- REVIEW BY COUNCIL.

39 The council shall provide for the appointment of a
 40 board of adjustment and in the regulations and
 41 restrictions adopted pursuant to the authority of this
 42 chapter shall provide that the ~~said the~~ board of
 43 adjustment may in appropriate cases and subject to
 44 appropriate conditions and safeguards make special
 45 exceptions to the terms of the ordinances in harmony
 46 with its general purpose and intent and in accordance
 47 with general or specific rules therein contained and
 48 provide that any property owner aggrieved by the
 49 action of the council in the adoption of ~~such the~~
 50 regulations and restrictions may petition the ~~said~~

Page 2

1 board of adjustment direct to modify regulations and
 2 restrictions as applied to ~~such the~~ property owners.

3 The council may appoint itself as the board of
 4 adjustment in which case section 414.8 does not apply.
 5 The ~~Alternatively,~~ the council may provide
 6 procedures for its review of variances granted actions
 7 by the board of adjustment before their effective
 8 date. The council may affirm, modify, or reverse a
 9 decision of the board of adjustment or remand a
 10 decision to grant a variance to the board of
 11 adjustment for further study. The effective date of
 12 the variance action of the board of adjustment is
 13 delayed for thirty days from the date of the remand to
 14 allow for council review. Final decisions of the
 15 council shall be subject to review as provided by
 16 sections 414.15 through 414.19.”

DONALD V. DOYLE

S-3416

1 Amend Senate File 315 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 “Sec. ____ . Section 204.401, Code 1989, is amended
 5 by striking the section and inserting in lieu thereof
 6 the following:
 7 204.401 PROHIBITED ACTS -- MANUFACTURERS --
 8 POSSESSORS -- CONTROLLED SUBSTANCES -- COUNTERFEIT
 9 SUBSTANCES -- SIMULATED CONTROLLED SUBSTANCES --
 10 PENALTIES.
 11 1. Except as authorized by this chapter, it is
 12 unlawful for any person to manufacture, deliver, or
 13 possess with the intent to manufacture or deliver, a
 14 controlled substance, a counterfeit substance, or a
 15 simulated controlled substance, or to act with, enter
 16 into a common scheme or design with, or conspire with
 17 one or more other persons to manufacture, deliver, or
 18 possess with the intent to manufacture or deliver, a
 19 controlled substance, a counterfeit substance, or a
 20 simulated controlled substance.
 21 a. Violation of this subsection, with respect to
 22 the following controlled substances, counterfeit
 23 substances, or simulated controlled substances is a
 24 class “B” felony, and notwithstanding section 902.9,
 25 subsection 1, shall be punished by confinement for no
 26 more than fifty years and a fine of not less than ten
 27 thousand dollars nor more than one million dollars:
 28 (1) More than one kilogram of a mixture or
 29 substance containing a detectable amount of heroin.
 30 (2) More than five kilograms of a mixture or

31 substance containing a detectable amount of any of the
32 following:

33 (a) Coca leaves, except coca leaves and extracts
34 of coca leaves from which cocaine, ecgonine, and
35 derivatives of ecgonine or their salts have been
36 removed.

37 (b) Cocaine, its salts, optical and geometric
38 isomers, and salts of isomers.

39 (c) Ecgonine, its derivatives, their salts,
40 isomers, and salts of isomers.

41 (d) Any compound, mixture, or preparation which
42 contains any quantity of any of the substances
43 referred to in subparagraph subdivisions (a) through
44 (c).

45 (3) More than fifty grams of a mixture or
46 substance described in subparagraph 2 which contains
47 cocaine base.

48 (4) More than one hundred grams of phencyclidine
49 (PCP) or one kilogram or more of a mixture or
50 substance containing a detectable amount of

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1 phencyclidine (PCP).

2 (5) More than ten grams of a mixture or substance
3 containing a detectable amount of lysergic acid
4 diethylamide (LSD).

5 (6) More than one thousand kilograms of a mixture
6 or substance containing a detectable amount of
7 marijuana.

8 b. Violation of this subsection with respect to
9 the following controlled substances, counterfeit
10 substances, or simulated controlled substances is a
11 class "B" felony, and in addition to the provisions of
12 section 902.9, subsection 1, shall be punished by a
13 fine of not less than five thousand dollars nor more
14 than one hundred thousand dollars:

15 (1) More than one hundred grams but not more than
16 one kilogram of a mixture or substance containing a
17 detectable amount of heroin.

18 (2) More than five hundred grams but not more than
19 five kilograms of any of the following:

20 (a) Coca leaves, except coca leaves and extracts
21 of coca leaves from which cocaine, ecgonine, and
22 derivatives of ecgonine or their salts have been
23 removed.

24 (b) Cocaine, its salts, optical and geometric
25 isomers, and salts of isomers.

26 (c) Ecgonine, its derivatives, their salts,
27 isomers, and salts of isomers.

28 (d) Any compound, mixture, or preparation which
29 contains any quantity of any of the substances
30 referred to in subparagraph subdivisions (a) through
31 (c).
32 (3) More than five grams but not more than fifty
33 grams of a mixture or substance described in
34 subparagraph (2) which contains cocaine base.
35 (4) More than ten grams but not more than one
36 hundred grams of phencyclidine (PCP) or more than one
37 hundred grams but not more than one kilogram of a
38 mixture or substance containing a detectable amount of
39 phencyclidine (PCP).
40 (5) Not more than ten grams of lysergic acid
41 diethylamide (LSD).
42 (6) More than one hundred kilograms but not more
43 than one thousand kilograms of marijuana.
44 c. Violation of this subsection with respect to
45 the following controlled substances, counterfeit
46 substances, or simulated controlled substances is a
47 class "C" felony, and in addition to the provisions of
48 section 902.9, subsection 3, shall be punished by a
49 fine of not less than one thousand dollars nor more
50 than fifty thousand dollars:

Page 3

1 (1) One hundred grams or less of a mixture or
2 substance containing a detectable amount of heroin.
3 (2) Five hundred grams or less of any of the
4 following:
5 (a) Coca leaves, except coca leaves and extracts
6 of coca leaves from which cocaine, ecgonine, and
7 derivatives of ecgonine or their salts have been
8 removed.
9 (b) Cocaine, its salts, optical and geometric
10 isomers, and salts of isomers.
11 (c) Ecgonine, its derivatives, their salts,
12 isomers, and salts of isomers.
13 (d) Any compound, mixture, or preparation which
14 contains any quantity of any of the substances
15 referred to in subparagraph subdivisions (a) through
16 (c).
17 (3) Five grams or less of a mixture or substance
18 described in subparagraph (2) which contains cocaine
19 base.
20 (4) Ten grams or less of phencyclidine (PCP) or
21 one hundred grams or less of a mixture or substance
22 containing a detectable amount of phencyclidine (PCP).
23 (5) More than fifty kilograms but not more than
24 one hundred kilograms of marijuana.

25 (6) Any other controlled substance classified in
26 schedule I, II, or III.

27 d. Violations of this subsection, with respect to
28 any other controlled substances, counterfeit
29 substances, or simulated controlled substances
30 classified in schedule IV or V, or less than fifty
31 kilograms of marijuana, or any other amount of such
32 substances, is a class "D" felony, and in addition to
33 the provisions of section 902.9, subsection 4, shall
34 be punished by a fine of not less than one thousand
35 dollars nor more than five thousand dollars.

36 2. It is unlawful for any person knowingly or
37 intentionally to possess a controlled substance,
38 counterfeit substance, or simulated controlled
39 substance unless such substance was obtained directly
40 from or pursuant to a valid prescription or order of a
41 practitioner while acting in the course of the
42 practitioner's professional practice, or except as
43 otherwise authorized by this chapter. A person who
44 violates this subsection with respect to possession of
45 the following substances is guilty of the following:

46 a. Marijuana in an amount less than one ounce, is
47 guilty of a serious misdemeanor. Punishment shall be
48 imprisonment in the county jail for not more than six
49 months or a fine of not less than one hundred dollars
50 nor more than one thousand dollars, or by both such

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1 imprisonment and fine.

2 b. Marijuana in an amount of one ounce or more, or
3 any amount of any other controlled substance
4 classified in schedule I, II, III, IV, or V is guilty
5 of an aggravated misdemeanor.

6 c. Any of the following controlled substances,
7 counterfeit substances, or simulated controlled
8 substances in the following amounts is guilty of a
9 class "D" felony:

10 (1) One hundred grams or more of a mixture or
11 substance containing a detectable amount of heroin.

12 (2) Five hundred grams or more of any of the
13 following:

14 (a) Coca leaves, except coca leaves and extracts
15 of coca leaves from which cocaine, ecgonine, and
16 derivatives of ecgonine or their salts have been
17 removed.

18 (b) Cocaine, its salts, optical and geometric
19 isomers, and salts of isomers.

20 (c) Ecgonine, its derivatives, their salts,
21 isomers, and salts of isomers.

22 (d) Any compound, mixture, or preparation which
23 contains any quantity of any of the substances
24 referred to in subparagraph subdivisions (a) through
25 (c).
26 (3) Five grams or more of a mixture or substance
27 described in subparagraph (2) which contains cocaine
28 base.
29 (4) Ten grams or more of phencyclidine (PCP) or
30 more than one hundred kilograms of a mixture or
31 substance containing a detectable amount of
32 phencyclidine (PCP).
33 (5) Ten grams or more of lysergic acid
34 diethylamide (LSD).
35 d. Marijuana in an amount of one ounce or more, or
36 any amount of any other controlled substance
37 classified in schedule I, II, III, IV, or V, if the
38 person violating this subsection has previously been
39 convicted of a violation of the laws of this or any
40 other jurisdiction proscribing delivery, sale,
41 manufacturing, or possession with the intent to
42 deliver or manufacture any controlled substance,
43 counterfeit substance, or simulated controlled
44 substance, is guilty of a class "D" felony.
45 3. If the same person commits two or more acts
46 which are in violation of this section and the acts
47 occur in approximately the same location or time
48 period so that the acts can be attributed to a single
49 scheme, plan, or conspiracy, the acts may be
50 considered a single violation and the weight of the

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1 controlled substances, counterfeit substances, or
2 simulated controlled substances involved may be
3 combined for purposes of charging the offender.
4 Sec. ____ . Section 204.406, subsections 1 and 2,
5 Code 1989, are amended by striking the subsections and
6 inserting in lieu thereof the following:
7 1. A person who is eighteen years of age or older
8 who:
9 a. Unlawfully distributes a substance listed in
10 schedule I or II, which is a narcotic or cocaine, to a
11 person under eighteen years of age commits a class "B"
12 felony and shall serve a minimum term of confinement
13 of five years. However, if the substance was
14 distributed in or on, or within one thousand feet of,
15 the real property comprising a public or private
16 elementary or secondary school, the person shall serve
17 a minimum term of confinement of ten years.
18 b. Unlawfully distributes a controlled substance

19 other than a narcotic or cocaine listed in schedule I,
20 II, or III to a person under eighteen years of age who
21 is at least three years younger than the violator
22 commits a class "C" felony.

23 c. Unlawfully distributes a controlled substance
24 listed in schedule IV or V to a person under eighteen
25 years of age who is at least three years younger than
26 the violator commits an aggravated misdemeanor.
27 2. A person who is eighteen years of age or older
28 who:

29 a. Unlawfully distributes a counterfeit substance
30 listed in schedule I or II which is a narcotic or
31 cocaine, or a simulated controlled substance
32 represented to be a narcotic or cocaine classified in
33 schedule I or II, to a person under eighteen years of
34 age commits a class "B" felony. However, if the
35 substance was distributed in or on, or within one
36 thousand feet of, the real property comprising a
37 public or private elementary or secondary school, the
38 person shall serve a minimum term of confinement of
39 ten years.

40 b. Unlawfully distributes a counterfeit substance
41 other than a narcotic or cocaine listed in schedule I,
42 II, or III, or a simulated controlled substance
43 represented to be any substance listed in schedule I,
44 II, or III, to a person under eighteen years of age
45 who is at least three years younger than the violator
46 commits a class "C" felony.

47 c. Unlawfully distributes a counterfeit substance
48 listed in schedule IV or V, or a simulated controlled
49 substance represented to be a substance listed in
50 schedule IV or V, to a person under eighteen years of

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1 age who is at least three years younger than the
2 violator commits an aggravated misdemeanor."

3 2. Page 1, by inserting after line 10, the
4 following:

5 "Sec. ____ . Section 204.409, subsection 1, Code
6 1989, is amended to read as follows:

7 1. Whenever a person who has not previously been
8 convicted of an offense under this chapter or an
9 offense under a state or federal statute relating to
10 narcotic drugs or cocaine, marijuana, or stimulant,
11 depressant, or hallucinogenic drugs, pleads guilty to
12 or is found guilty of possession of a controlled
13 substance under section 204.401, subsection 2, or is
14 sentenced pursuant to section 204.410, the court,
15 without entering a judgment of guilt and with the

16 consent of the accused, may defer further proceedings
17 and place the accused on probation upon terms and
18 conditions as it requires. When a person is placed on
19 probation under this subsection, the person's
20 appearance bond may be discharged at the discretion of
21 the court. Upon violation of a term or condition, the
22 court may enter an adjudication of guilt and proceed
23 as otherwise provided. Upon fulfillment of the terms
24 and conditions, the court shall discharge the person
25 and dismiss the proceedings against the person.
26 Discharge and dismissal under this section shall be
27 without court adjudication of guilt and is not a
28 conviction for purposes of this section or for
29 purposes of disqualifications or disabilities imposed
30 by law upon conviction of a crime, including the
31 additional penalties imposed for second or subsequent
32 convictions under section 204.410. Discharge and
33 dismissal under this section may occur only once with
34 respect to any person.

35 Sec. ____ . Section 204.410, Code 1989, is amended
36 to read as follows:

37 204.410 ACCOMMODATION OFFENSE.

38 In a prosecution for unlawful delivery or
39 possession with intent to deliver marijuana, if the
40 prosecution proves that the defendant violated the
41 provisions of section 204.401, subsection 1, by
42 proving that the defendant delivered or possessed with
43 intent to deliver one ounce or less of marijuana, the
44 defendant is guilty of an accommodation offense and
45 rather than being sentenced as if convicted for a
46 violation of section 204.401, subsection 1, paragraph
47 "~~b~~" "d", shall be sentenced as if convicted of a
48 violation of section 204.401, subsection ~~§~~ 2. An
49 accommodation offense may be proved as an included
50 offense under a charge of delivering or possessing

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1 with the intent to deliver marijuana in violation of
2 section 204.401, subsection 1. This section does not
3 apply to hashish, hashish oil, or other derivatives of
4 marijuana as defined in section 204.101, subsection
5 17.

6 Sec. ____ . Section 204.411, subsection 3, Code
7 1989, is amended to read as follows:

8 3. This section does not apply to offenses under
9 section 204.401, subsection ~~§~~ 2.

10 Sec. ____ . Section 204.413, unnumbered paragraph 1,
11 Code 1989, is amended to read as follows:

12 A person sentenced pursuant to section 204.401,

13 subsection 1, ~~paragraph "a" or "b" shall is not be~~
 14 eligible for parole until the person has served a
 15 minimum period of confinement of one-third of the
 16 maximum indeterminate sentence ~~prescribed by law~~
 17 imposed by the court.

18 A person sentenced pursuant to section 204.401,
 19 subsection 1, paragraph "e" or "f", is not eligible
 20 for parole until the person has served a minimum
 21 period of confinement of one-third of each term
 22 imposed.

23 Sec. ____ . Section 907.3, unnumbered paragraph 1,
 24 Code 1989, is amended to read as follows:

25 Pursuant to section 901.5, the trial court may,
 26 upon a plea of guilty, a verdict of guilty, or a
 27 special verdict upon which a judgment of conviction
 28 may be rendered, exercise any of the options contained
 29 in subsections 1 and 2 of this section. However, this
 30 section shall not apply to a forcible felony or
 31 violations of section 204.401, subsection 1.

32 Sec. ____ . Section 204.414, Code 1989, is
 33 repealed."

34 3. By renumbering as necessary.

MARK HAGERLA

S-3417

1 Amend Senate File 450 as follows:

2 1. Page 2, by striking lines 14 through 21 and inserting
 3 the following: "student. The principal of the school
 4 shall inform the".

JOY CORNING

S-3418

1 Amend Senate File 419 as follows:

2 1. Page 1, by striking lines 2 through 30 and
 3 inserting the following: "amended by adding the
 4 following new unnumbered paragraphs:
 5 NEW UNNUMBERED PARAGRAPH. In conjunction with the
 6 requirements of section 18.3, subsection 1, the state
 7 vehicle dispatcher shall strive to purchase new
 8 passenger automobiles which have fuel efficiency of
 9 not less than two miles per gallon under the average
 10 fuel economy standard for the automobile's model year
 11 as established by the United States secretary of
 12 transportation under 15 U.S.C. § 2002. This paragraph

13 does not apply to automobiles purchased for law
 14 enforcement purposes or to trucks or vans. As used in
 15 this paragraph, "fuel economy" means the average
 16 number of miles traveled by an automobile per gallon
 17 of gasoline consumed as determined by the United
 18 States environmental protection agency administrator
 19 in accordance with 26 U.S.C. § 4064(c).
 20 NEW UNNUMBERED PARAGRAPH. The state vehicle
 21 dispatcher shall annually report the average combined
 22 fuel economy for all new motor vehicles purchased by
 23 classification (passenger automobiles, enforcement
 24 automobiles, vans, and light trucks) no later than
 25 January 31 of each year to the department of
 26 management. As used in this paragraph, "combined fuel
 27 economy" means the combined fuel economy as defined in
 28 20 C.F.R. § 600.002."

RICHARD VARN

S-3419

1 Amend Senate File 385 as follows:
 2 1. Page 1, by inserting after line 22 the
 3 following:
 4 "A teacher, as defined in section 279.13, subject
 5 to a collective bargaining agreement that provides
 6 binding arbitration to determine whether the teacher's
 7 continuing contract is being terminated for just
 8 cause, shall not pursue a remedy under sections 279.15
 9 through 279.18 for the termination of that contract."
 10 2. Title page, line 1, by inserting after the
 11 word "negotiations" the following: "and certain
 12 binding arbitration provisions".

RICHARD RUNNING

S-3420

1 Amend Senate File 443 as follows:
 2 1. Page 1, by striking lines 23 through 27 and
 3 inserting the following: "However, this paragraph
 4 does not apply to applications for federal entitlement
 5 funds based on cargo landed weight or enplaned
 6 passengers."

JEAN LLOYD-JONES

S-3421

- 1 Amend the amendment, S-3413, to Senate File 375 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 5, and
- 4 inserting the following:
- 5 "____. Page 1, by striking lines 6 through 19."

C. JOSEPH COLEMAN

S-3422

- 1 Amend Senate File 377 as follows:
- 2 1. Page 1, line 12, by striking the word "ten"
- 3 and inserting the following: "twenty-one".
- 4 2. Page 1, line 23, by striking the word "fifty"
- 5 two" and inserting the following: "sixty-three".

JOHN P. KIBBIE

S-3423

- 1 Amend the amendment, S-3396, to Senate File 472 as
- 2 follows:
- 3 1. Page 1, line 42, by inserting after the word
- 4 "personnel" the following: "or is in the first year
- 5 of enrollment in a nonaccredited school or home
- 6 education program".
- 7 2. Page 1, line 48, by inserting after the word
- 8 "impairment," the following: "or is in the first year
- 9 of enrollment in a private or home education
- 10 program,".
- 11 3. Page 2, line 1, by inserting after the word
- 12 "services" the following: ", an initial screening, or
- 13 a subsequent evaluation".

WALLY HORN

S-3424

- 1 Amend Senate File 440 as follows:
- 2 1. Page 1, by striking lines 27 through 33 and
- 3 inserting the following: "federal funds. The
- 4 revenues received from stamps sold for fishing
- 5 licenses and any matched federal funds shall be used
- 6 by the department for the development of fish habitat
- 7 which includes stocking of fish, but not release and

8 catch stocking of fish, and soil erosion control on
 9 land adjoining public waters of this state. The
 10 revenues received from stamps sold for hunting and
 11 trapping licenses and any matched federal funds shall
 12 be used for”.

13 2. Page 1, line 35, by inserting after the word
 14 “habitats.” the following: “The revenue obtained from
 15 stamp sales for combination hunting and fishing
 16 licenses shall be apportioned between the development
 17 of fish habitat and the acquisition or leasing of land
 18 for other wildlife habitat in the same ratio as the
 19 total number of fishing licenses sold is to the total
 20 number of hunting licenses sold in the same year.”

21 3. Page 2, line 5, by inserting after the word
 22 “revenue” the following: “received from stamps sold
 23 for hunting and trapping licenses”.

24 4. Page 2, lines 7 and 8, by striking the words
 25 “from the sale of wildlife habitat stamps” and
 26 inserting the following: “received from the sale of
 27 wildlife habitat stamps sold for hunting and trapping
 28 licenses”.

JOHN P. KIBBIE

S-3425

1 Amend Senate File 470 as follows:

2 1. Page 1, by striking lines 14 and 15 and
 3 inserting the following: “The”.

4 2. Page 1, by inserting after line 21 the
 5 following:

6 “Sec. ____ . Section 455B.484, subsection 9, Code
 7 1989, is amended to read as follows:

8 9. Include in the annual report to the governor
 9 and the general assembly required by section 455A.4,
 10 subsection 1, paragraph “d”, information outlining the
 11 activities of the authority in carrying out programs
 12 and responsibilities under this part, and identifying
 13 trends and developments in the management of waste.
 14 The report shall also include specific recommendations
 15 for attaining the goals for waste minimization and
 16 capacity assurance requirements.”

17 3. By renumbering as necessary.

RICHARD F. DRAKE
 ALVIN MILLER

S-3426

- 1 Amend the amendment, S-3269, to Senate File 31, as
- 2 follows:
- 3 1. Page 1, by striking lines 24 through 26, and
- 4 inserting the following: "review committee."

RAY TAYLOR

S-3427

- 1 Amend Senate File 472 as follows:
- 2 1. Page 3, line 20, by striking the figure "1994"
- 3 and inserting the following: "1991".

MARK HAGERLA

S-3428

- 1 Amend Senate File 375 as follows:
- 2 1. Page 1, line 19, by inserting after the word
- 3 "procedures" the following: "prior to January 1,
- 4 1989".

C. JOSEPH COLEMAN

S-3429

- 1 Amend Senate File 375 as follows:
- 2 1. Page 1, by inserting before line 20 the
- 3 following:
- 4 "NEW UNNUMBERED PARAGRAPH. It is the intent of the
- 5 general assembly that the Brushy Creek dam shall not
- 6 be built."

BERL E. PRIEBE
LINN FUHRMAN
JULIA GENTLEMAN
JIM RIORDAN

S-3430

- 1 Amend Senate File 375 as follows:

DIVISION S—3430A

- 2 1. Page 1, by striking lines 1 through 5.

DIVISION S—3430B

- 3 2. Page 1, by striking lines 17 through 19.

DALE L. TIEDEN

S-3431

- 1 Amend Senate File 323 as follows:
- 2 1. Page 1, by striking lines 7 through 13, and
- 3 inserting the following: “educational standards for
- 4 ~~approval or accreditation. For grades nine through~~
- 5 ~~twelve, however, rules adopted shall provide that~~
- 6 ~~telecommunications may be used by school districts as~~
- 7 ~~the exclusive means to provide those courses required~~
- 8 ~~by the minimum educational standards under section~~
- 9 ~~256.11 which are elective units of credit.”~~

RICHARD VARN
JOHN P. KIBBIE
LARRY MURPHY

S-3432

- 1 Amend Senate File 481 as follows:
- 2 1. Page 1, by inserting after line 12 the
- 3 following:
- 4 “Sec. ____ . Section 22.7, Code 1989, is amended by
- 5 adding the following new subsection:
- 6 NEW SUBSECTION. Applications for jobs or positions
- 7 with a governmental body, except those names from
- 8 applications which are determined by the governmental
- 9 body to be the finalists for the job or position. The
- 10 names of the finalists, not fewer than three, are not
- 11 confidential records.”

CALVIN O. HULTMAN
WALLY E. HORN

S-3433

- 1 Amend Senate File 481 as follows:
- 2 1. Page 1, by striking lines 1 through 12.

3 2. Page 1, by inserting after line 12 the
4 following:
5 "Sec. ____ . Section 22.7, Code 1989, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. Applications for jobs or positions
8 with a governmental body, except those names from
9 applications which are determined by the governmental
10 body to be the finalists for the job or position. The
11 names of the finalists, not fewer than three, are not
12 confidential records."

CALVIN O. HULTMAN
WALLY E. HORN

S-3434

1 Amend the amendment, S-3429, to Senate File 375 as
2 follows:
3 1. Page 1, by inserting after line 6 the
4 following:
5 ""Sec. ____ . Section 2 of this Act, being deemed of
6 immediate importance, takes effect upon enactment and
7 is repealed July 1, 1989".
8 ____ . Title, line 2, by inserting after the word
9 "resources" the following: ", and providing an
10 effective date.""

JOHN PETERSON

S-3435

1 Amend Senate File 323 as follows:
2 1. Page 1, by inserting after line 13, the
3 following:
4 "Rules adopted under this section shall include
5 standards relating to the suitability of particular
6 subject matter for telecommunication broadcasts and
7 shall establish maximum class size and number of
8 maximum allowable remote sites for a given subject.
9 Notwithstanding the provisions of this subsection,
10 rules adopted under this subsection shall provide that
11 telecommunications may be used as the exclusive means
12 to provide any course suitable for telecommunication
13 broadcasts if the school district providing the course
14 has fully interactive audio and video systems and
15 multiple attendance centers are available for use by
16 the district's students. For purposes of this
17 subsection, "multiple attendance centers" means that

18 multiple facilities are available within the district,
19 or are available to a district's students because of
20 sharing instruction with three or fewer adjacent
21 districts or because of a recent reorganization of the
22 district."

LINN FUHRMAN

S-3436

1 Amend the amendment, S-3347, to Senate File 396, as
2 follows:

3 1. Page 2, line 18, by inserting after the word
4 "board" the following: "not less than ten days prior
5 to the interview, unless a life threatening medical
6 emergency arises involving the person to be
7 interviewed which prohibits the giving of the notice".

8 2. Page 4, by inserting after line 44 the
9 following:

10 "___ . Page 3, by inserting after line 21 the
11 following:

12 "Sec. ___ . Section 910A.10, subsection 1,
13 paragraph a, Code 1989, is amended to read as follows:

14 a. Not less than five twenty days prior to
15 conducting a hearing at which the board will interview
16 an offender, the board shall notify the victim of the
17 interview and inform the victim that the victim may
18 submit the victim's opinion concerning the release of
19 the offender in writing prior to the hearing or may
20 appear personally or by counsel at the hearing to
21 express an opinion concerning the offender's
22 release.""

23 3. By renumbering as necessary.

JIM LIND

S-3437

1 Amend Senate File 303 as follows:

2 1. Page 1, line 1, by inserting before the word
3 "CATTLE" the following: "BEEF".

4 2. Page 1, line 2, by inserting before the word
5 "cattle" the following: "beef".

6 3. Page 1, line 3, by inserting after the word
7 "taxpayer" the following: "who is engaged in raising
8 livestock".

9 4. Page 1, line 5, by inserting after the word
10 "held" the following: "by the taxpayer claiming the

11 credit".

12 5. Page 1, line 13, by inserting after the word

13 "the" the following: "beef".

14 6. Page 1, line 21, by inserting after the word

15 "A" the following: "beef".

16 7. Page 1, line 22, by inserting after the word

17 "taxpayer" the following: "who is engaged in raising

18 livestock".

19 8. Page 1, line 25, by inserting after the word

20 "held" the following: "by the taxpayer claiming the

21 credit".

JOHN A. PETERSON

S-3438

1 Amend Senate File 157 as follows:

2 1. Page 1, line 4, by striking the words "~~fifteen~~

3 ~~fourteen~~" and inserting the following: "fifteen".

4 2. Page 1, line 13, by striking the word "fourteen"

5 and inserting the following: "~~fourteen~~ fifteen".

6 3. Title, line 1, by striking the word "fourteen-year-

7 old" and inserting the following: "fifteen-year-old".

JOY CORNING

MAGGIE TINSMAN

S-3439

1 Amend Senate File 426 as follows:

2 1. Page 2, by inserting after line 2 the follow-

3 ing:

4 "Sec. ____ . Section 811.1, subsection 1, Code 1989,

5 is amended to read as follows:

6 1. A defendant awaiting judgment of conviction and

7 sentencing following either a plea or verdict of

8 guilty of a class "A" felony, murder, felonious

9 assault, sexual abuse in the second degree, sexual

10 abuse in the third degree ~~in violation of section~~

11 ~~709.4, subsections 1 and 2,~~ kidnapping, robbery in the

12 first degree, arson in the first degree, or burglary

13 in the first degree."

14 2. Renumber as necessary.

RICHARD VARN

S-3440

- 1 Amend amendment, S-3310, to Senate File 419 as
- 2 follows:
- 3 1. Page 1, by striking lines 14 through 44.
- 4 2. By striking page 1, line 45 through page 2,
- 5 line 20.

RICHARD VARN

S-3441

- 1 Amend Senate File 472 as follows:

DIVISION S—3441B

- 2 1. Page 1, by inserting after line 26, the
- 3 following:
- 4 “___ . “Noncertificated teacher” or
- 5 “noncertificated instructor” means a person who does
- 6 not hold a teacher’s certificate issued by the state
- 7 board of educational examiners, but who provides
- 8 instruction in a school in a local school district and
- 9 holds a bachelor’s degree from a postsecondary
- 10 institution.”
- 11 2. Page 2, by inserting after line 14, the
- 12 following:
- 13 “___ . An instructional program provided by a
- 14 noncertificated teacher in a public or accredited
- 15 nonpublic school under section 299A.13A.”
- 16 3. Page 3, line 22, by inserting after the word
- 17 “program” the following: “or educational program
- 18 provided by a noncertificated teacher in a public or
- 19 accredited nonpublic school”.
- 20 4. Page 3, line 27, by inserting after the word
- 21 “program” the following: “or a program under section
- 22 299A.13A”.
- 23 5. Page 3, line 34, by inserting after the word
- 24 “program” the following: “or an instructional program
- 25 provided under section 299A.13A”.
- 26 6. Page 4, line 10, by inserting after the word
- 27 “program” the following: “or an instructional program
- 28 provided under section 299A.13A”.
- 29 7. Page 4, line 13, by inserting after the word
- 30 “home” the following: “or noncertificated”.

DIVISION S—3441A

31 8. Page 4, line 16, by inserting after the word
 32 “program” the following: “or modified instructional
 33 program under section 299A.13A”.

DIVISION S—3441B (cont'd.)

34 9. Page 4, line 20, by inserting after the word
 35 “home” the following: “or noncertificated”.
 36 10. Page 4, line 32, by inserting after the word
 37 “home” the following: “or noncertificated”.
 38 11. Page 5, line 2, by inserting after the word
 39 “home” the following: “or noncertificated”.
 40 12. Page 5, line 3, by inserting after the word
 41 “program” the following: “or instructional program
 42 under section 299A.13A”.
 43 13. Page 5, line 12, by inserting after the word
 44 “either” the following: “regular instruction in”.
 45 14. Page 5, line 12, by inserting before the
 46 words “a nonpublic” the following: “regular
 47 instruction in”.
 48 15. Page 6, line 12, by inserting after the word
 49 “program” the following: “or instructional program
 50 under section 299A.13A”.

Page 2

DIVISION S—3441B (cont'd.)

1 16. Page 6, by inserting after line 20, the
 2 following:
 3 “Sec. ____ . **NEW SECTION. 299A.13A NONCERTIFICATED**
 4 **INSTRUCTION IN PUBLIC AND NONPUBLIC SCHOOLS.**
 5 With the permission of a parent or guardian, a
 6 public school or an accredited nonpublic school may
 7 provide instruction using noncertificated teachers,
 8 notwithstanding the accreditation requirements of
 9 section 256.11.”
 10 17. Page 6, line 23, by inserting after the word
 11 “home” the following: “or noncertificated”.

RICHARD VARN

S-3442

1 Amend House File 324, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting after line 17, the

4 following:

5 "Sec. ____ . NEW SECTION. 331.610 USE OF LOAN
6 INFORMATION -- PENALTY.

7 1. A person engaged in a business which collects,
8 stores, or collates information concerning commercial
9 or consumer loans with respect to the amount borrowed,
10 amount of and schedule of payments, and interest rate,
11 shall not disclose, publish, publicize, transfer,
12 communicate, or sell a list, or any part of a list
13 containing this information. This subsection does not
14 prohibit the collection of this information for
15 legitimate use by a person in the person's own
16 business where the information is necessary for the
17 evaluation and completion of a transaction between the
18 person and any other person, and does not prohibit a
19 person from disclosing, publishing, publicizing,
20 transferring, communicating, or selling such
21 information if the consent of the person to whom the
22 information relates has been obtained.

23 2. A person violating subsection 1 is guilty of a
24 simple misdemeanor."

25 2. Title page, line 1, by striking the words "of
26 county relief" and inserting the following: "and use
27 of certain county".

COMMITTEE ON LOCAL GOVERNMENT
ALVIN V. MILLER, Chairperson

S-3443

1 Amend the amendment, S-3269, to Senate File 31, as
2 follows:

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

5 "Sec. ____ . Section 135C.14, subsection 8,
6 unnumbered paragraph 1, Code 1989, is amended to read
7 as follows:

8 Facility policies and procedures regarding the
9 treatment, care, and rights of residents. The rules
10 shall apply the federal resident's bill of rights
11 contained in ~~42 C.F.R. 442.311, as amended to January~~
12 ~~1, 1981~~ the federal Omnibus Budget Reconciliation Act
13 of 1987, Pub. L. No. 100-203, and the regulations
14 adopted pursuant to the Act and contained in 42 C.F.R.
15 § 483.10, 483.12, 483.13, and 483.15, as amended to
16 February 2, 1989, to all health care facilities as
17 defined in this chapter and shall include procedures
18 for implementing and enforcing the federal rules. The
19 department shall also adopt rules relating to the

20 following:"

21 2. Page 1, line 15, by inserting after the word
22 "residents." the following: "Work programs authorized
23 by a resident physician and agreed to by the resident
24 do not require compensation."

25 3. Page 2, line 21, by inserting after the word
26 "communicate" the following: "if the complainant or
27 victim is identifiable, and if the complainant or
28 victim is available".

29 4. Page 2, line 23, by inserting after the word
30 "interviewed" the following: "if identifiable and
31 available".

32 5. Page 2, by striking line 27, and inserting the
33 following: "the complaint. The department".

34 6. Page 2, by striking lines 36 and 37, and
35 inserting the following: "standard" does not require
36 that the investigator personally witnessed the
37 alleged".

38 7. Page 3, line 5, by inserting after the word
39 "and" the following: "a summary of".

40 8. By renumbering as necessary.

AL STURGEON

S-3444

1 Amend Senate File 476 as follows:

2 1. Page 8, by striking lines 3 through 6.

3 2. By renumbering and correcting internal
4 references as necessary.

RICHARD RUNNING

S-3445

1 Amend amendment S-3134 to Senate File 220 as
2 follows:

3 1. Page 1, by striking lines 2 through 48 and
4 inserting the following:

5 "____. Page 1, by striking lines 1 through 16 and
6 inserting the following:

7 "Section 1. Section 99D.13, subsection 2, Code
8 1989, is amended to read as follows:

9 2. Winnings forfeited under subsection 1 shall
10 escheat to the state and be paid over to the director
11 of revenue and finance to be used to reimburse the
12 commission for the cost of drug testing at the tracks
13 and to the extent appropriated by the general assembly

14 shall to be used for the benefit of the department of
15 agriculture and land stewardship to the extent
16 necessary to administer section 99D.22 and the
17 remainder shall be deposited as provided in chapter
18 556.””

JOHN W. JENSEN

S-3446

1 Amend Senate File 157 as follows:

2 1. Page 1, by inserting after line 28, the
3 following:

4 “Sec. ____ . Section 321A.17, subsection 5, Code
5 1989, is amended to read as follows:

6 5. An individual applying for a motor vehicle
7 license following a period of suspension or revocation
8 under section 321.210A, 321.216 or 321.513, or
9 following a period of suspension under section
10 321.194, is not required to maintain proof of
11 financial responsibility under this section.”

12 2. By renumbering as necessary.

DONALD GETTINGS
JOE WELSH
JIM LIND

S-3447

1 Amend Senate File 375 as follows:

2 1. Page 1, by striking lines 1 through 5 and
3 inserting the following:

4 “Section 1. COMPREHENSIVE ARTIFICIAL LAKE STUDY --
5 MORATORIUM ON CONSTRUCTION OR DEVELOPMENT. A
6 moratorium is imposed on the construction, erection,
7 or development of a dam or other structure creating an
8 artificial lake or water impoundment by the department
9 of natural resources until January 1, 1992. During
10 the moratorium, the Iowa academy of science shall
11 contract for the services of a consultant to complete
12 a comprehensive study of current and future needs for
13 artificial lakes and water recreation in this state.
14 The consultant shall have recognized competence in the
15 fields of natural resources, conservation, and the
16 environment. The study shall include a review of
17 existing natural and artificial lakes, restoration and
18 management needs of the existing lakes for the next
19 twenty years, development needs of the existing lakes

20 to provide for optimum public use, and the need for
 21 additional artificial lakes. If additional artificial
 22 lakes are recommended, the size, use, and location
 23 shall be specified. The study shall also recommend
 24 whether existing state-owned sites and development
 25 plans should be implemented, or new sites and
 26 development plans should be purchased, prepared, and
 27 implemented. The study shall be completed and
 28 submitted to the legislative council by December 1,
 29 1991. The comprehensive study shall be funded by
 30 moneys appropriated to the Iowa academy of science for
 31 that purpose."

32 2. Page 1, by striking lines 6 through 16 and
 33 inserting the following:

34 "Sec. ____ . NEW SECTION. 108.5 BRUSHY CREEK LAKE
 35 PROHIBITED.

36 It is the intent of the general assembly that a dam
 37 or other structure creating an artificial lake or
 38 water impoundment of one hundred acres or more not be
 39 constructed or erected in the Brushy Creek state
 40 recreation area."

41 3. Page 1, by striking lines 17 through 19 and
 42 inserting the following:

43 "Sec. ____ . NEW SECTION. 108.6 LOST GROVE LAKE
 44 PROHIBITED.

45 It is the intent of the general assembly that a dam
 46 or other structure creating an artificial lake or
 47 water impoundment of one hundred acres or more not be
 48 constructed or erected in the Lost Grove area."

JAMES R. RIORDAN
 LINN FUHRMAN
 MAGGIE TINSMAN
 JULIA GENTLEMAN
 PAUL PATE
 BERL E. PRIEBE

S-3448

1 Amend Senate File 315 as follows:

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

4 "Sec. ____ . Section 204.401, Code 1989, is amended
 5 by striking the section and inserting in lieu thereof
 6 the following:

7 204.401 PROHIBITED ACTS -- MANUFACTURERS --
 8 POSSESSORS -- CONTROLLED SUBSTANCES -- COUNTERFEIT
 9 SUBSTANCES -- SIMULATED CONTROLLED SUBSTANCES --
 10 PENALTIES.

11 1. Except as authorized by this chapter, it is
12 unlawful for any person to manufacture, deliver, or
13 possess with the intent to manufacture or deliver, a
14 controlled substance, a counterfeit substance, or a
15 simulated controlled substance, or to act with, enter
16 into a common scheme or design with, or conspire with
17 one or more other persons to manufacture, deliver, or
18 possess with the intent to manufacture or deliver, a
19 controlled substance, a counterfeit substance, or a
20 simulated controlled substance.

21 a. Violation of this subsection, with respect to
22 the following controlled substances, counterfeit
23 substances, or simulated controlled substances is a
24 class "B" felony, and notwithstanding section 902.9,
25 subsection 1, shall be punished by confinement for no
26 more than fifty years and a fine of not less than ten
27 thousand dollars nor more than one million dollars:

28 (1) More than one kilogram of a mixture or
29 substance containing a detectable amount of heroin.

30 (2) More than five kilograms of a mixture or
31 substance containing a detectable amount of any of the
32 following:

33 (a) Coca leaves, except coca leaves and extracts
34 of coca leaves from which cocaine, ecgonine, and
35 derivatives of ecgonine or their salts have been
36 removed.

37 (b) Cocaine, its salts, optical and geometric
38 isomers, and salts of isomers.

39 (c) Ecgonine, its derivatives, their salts,
40 isomers, and salts of isomers.

41 (d) Any compound, mixture, or preparation which
42 contains any quantity of any of the substances
43 referred to in subparagraph subdivisions (a) through
44 (c).

45 (3) More than fifty grams of a mixture or
46 substance described in subparagraph 2 which contains
47 cocaine base.

48 (4) More than one hundred grams of phencyclidine
49 (PCP) or one kilogram or more of a mixture or
50 substance containing a detectable amount of

Page 2

1 phencyclidine (PCP).

2 (5) More than ten grams of a mixture or substance
3 containing a detectable amount of lysergic acid
4 diethylamide (LSD).

5 (6) More than one thousand kilograms of a mixture
6 or substance containing a detectable amount of
7 marijuana.

8 b. Violation of this subsection with respect to
9 the following controlled substances, counterfeit
10 substances, or simulated controlled substances is a
11 class "B" felony, and in addition to the provisions of
12 section 902.9, subsection 1, shall be punished by a
13 fine of not less than five thousand dollars nor more
14 than one hundred thousand dollars:

15 (1) More than one hundred grams but not more than
16 one kilogram of a mixture or substance containing a
17 detectable amount of heroin.

18 (2) More than five hundred grams but not more than
19 five kilograms of any of the following:

20 (a) Coca leaves, except coca leaves and extracts
21 of coca leaves from which cocaine, ecgonine, and
22 derivatives of ecgonine or their salts have been
23 removed.

24 (b) Cocaine, its salts, optical and geometric
25 isomers, and salts of isomers.

26 (c) Ecgonine, its derivatives, their salts,
27 isomers, and salts of isomers.

28 (d) Any compound, mixture, or preparation which
29 contains any quantity of any of the substances
30 referred to in subparagraph subdivisions (a) through
31 (c).

32 (3) More than five grams but not more than fifty
33 grams of a mixture or substance described in
34 subparagraph (2) which contains cocaine base.

35 (4) More than ten grams but not more than one
36 hundred grams of phencyclidine (PCP) or more than one
37 hundred grams but not more than one kilogram of a
38 mixture or substance containing a detectable amount of
39 phencyclidine (PCP).

40 (5) Not more than ten grams of lysergic acid
41 diethylamide (LSD).

42 (6) More than one hundred kilograms but not more
43 than one thousand kilograms of marijuana.

44 c. Violation of this subsection with respect to
45 the following controlled substances, counterfeit
46 substances, or simulated controlled substances is a
47 class "C" felony, and in addition to the provisions of
48 section 902.9, subsection 3, shall be punished by a
49 fine of not less than one thousand dollars nor more
50 than fifty thousand dollars:

Page 3

1 (1) One hundred grams or less of a mixture or
2 substance containing a detectable amount of heroin.

3 (2) Five hundred grams or less of any of the
4 following:

5 (a) Coca leaves, except coca leaves and extracts
6 of coca leaves from which cocaine, ecgonine, and
7 derivatives of ecgonine or their salts have been
8 removed.

9 (b) Cocaine, its salts, optical and geometric
10 isomers, and salts of isomers.

11 (c) Ecgonine, its derivatives, their salts,
12 isomers, and salts of isomers.

13 (d) Any compound, mixture, or preparation which
14 contains any quantity of any of the substances
15 referred to in subparagraph subdivisions (a) through
16 (c).

17 (3) Five grams or less of a mixture or substance
18 described in subparagraph (2) which contains cocaine
19 base.

20 (4) Ten grams or less of phencyclidine (PCP) or
21 one hundred grams or less of a mixture or substance
22 containing a detectable amount of phencyclidine (PCP).

23 (5) More than fifty kilograms but not more than
24 one hundred kilograms of marijuana.

25 (6) Any other controlled substance classified in
26 schedule I, II, or III.

27 d. Violations of this subsection, with respect to
28 any other controlled substances, counterfeit
29 substances, or simulated controlled substances
30 classified in schedule IV or V, or less than fifty
31 kilograms of marijuana, or any other amount of such
32 substances, is a class "D" felony, and in addition to
33 the provisions of section 902.9, subsection 4, shall
34 be punished by a fine of not less than one thousand
35 dollars nor more than five thousand dollars.

36 2. It is unlawful for any person knowingly or
37 intentionally to possess a controlled substance,
38 counterfeit substance, or simulated controlled
39 substance unless such substance was obtained directly
40 from or pursuant to a valid prescription or order of a
41 practitioner while acting in the course of the
42 practitioner's professional practice, or except as
43 otherwise authorized by this chapter. A person who
44 violates this subsection with respect to possession of
45 the following substances is guilty of the following:

46 a. Marijuana in an amount less than one ounce, is
47 guilty of a serious misdemeanor. Punishment shall be
48 imprisonment in the county jail for not more than six
49 months or a fine of not less than one hundred dollars
50 nor more than one thousand dollars, or by both such

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- 1 imprisonment and fine.
- 2 b. Marijuana in an amount of one ounce or more, or
3 any amount of any other controlled substance
4 classified in schedule I, II, III, IV, or V is guilty
5 of an aggravated misdemeanor.
- 6 c. Any of the following controlled substances,
7 counterfeit substances, or simulated controlled
8 substances in the following amounts is guilty of a
9 class "D" felony:
- 10 (1) One hundred grams or more of a mixture or
11 substance containing a detectable amount of heroin.
- 12 (2) Five hundred grams or more of any of the
13 following:
- 14 (a) Coca leaves, except coca leaves and extracts
15 of coca leaves from which cocaine, ecgonine, and
16 derivatives of ecgonine or their salts have been
17 removed.
- 18 (b) Cocaine, its salts, optical and geometric
19 isomers, and salts of isomers.
- 20 (c) Ecgonine, its derivatives, their salts,
21 isomers, and salts of isomers.
- 22 (d) Any compound, mixture, or preparation which
23 contains any quantity of any of the substances
24 referred to in subparagraph subdivisions (a) through
25 (c).
- 26 (3) Five grams or more of a mixture or substance
27 described in subparagraph (2) which contains cocaine
28 base.
- 29 (4) Ten grams or more of phencyclidine (PCP) or
30 more than one hundred kilograms of a mixture or
31 substance containing a detectable amount of
32 phencyclidine (PCP).
- 33 (5) Ten grams or more of lysergic acid
34 diethylamide (LSD).
- 35 d. Marijuana in an amount of one ounce or more, or
36 any amount of any other controlled substance
37 classified in schedule I, II, III, IV, or V, if the
38 person violating this subsection has previously been
39 convicted of a violation of the laws of this or any
40 other jurisdiction proscribing delivery, sale,
41 manufacturing, or possession with the intent to
42 deliver or manufacture any controlled substance,
43 counterfeit substance, or simulated controlled
44 substance, is guilty of a class "D" felony.
- 45 3. If the same person commits two or more acts
46 which are in violation of this section and the acts
47 occur in approximately the same location or time
48 period so that the acts can be attributed to a single

49 scheme, plan, or conspiracy, the acts may be
50 considered a single violation and the weight of the

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1 controlled substances, counterfeit substances, or
2 simulated controlled substances involved may be
3 combined for purposes of charging the offender.
4 Sec. ____ . Section 204.406, subsections 1 and 2,
5 Code 1989, are amended by striking the subsections and
6 inserting in lieu thereof the following:

7 1. A person who is eighteen years of age or older
8 who:

9 a. Unlawfully distributes a substance listed in
10 schedule I or II, which is a narcotic or cocaine, to a
11 person under eighteen years of age commits a class "B"
12 felony and shall serve a minimum term of confinement
13 of five years. However, if the substance was
14 distributed in or on, or within one thousand feet of,
15 the real property comprising a public or private
16 elementary or secondary school, the person shall serve
17 a minimum term of confinement of ten years.

18 b. Unlawfully distributes a controlled substance
19 other than a narcotic or cocaine listed in schedule I,
20 II, or III to a person under eighteen years of age who
21 is at least three years younger than the violator
22 commits a class "C" felony.

23 c. Unlawfully distributes a controlled substance
24 listed in schedule IV or V to a person under eighteen
25 years of age who is at least three years younger than
26 the violator commits an aggravated misdemeanor.

27 2. A person who is eighteen years of age or older
28 who:

29 a. Unlawfully distributes a counterfeit substance
30 listed in schedule I or II which is a narcotic or
31 cocaine, or a simulated controlled substance
32 represented to be a narcotic or cocaine classified in
33 schedule I or II, to a person under eighteen years of
34 age commits a class "B" felony. However, if the
35 substance was distributed in or on, or within one
36 thousand feet of, the real property comprising a
37 public or private elementary or secondary school, the
38 person shall serve a minimum term of confinement of
39 ten years.

40 b. Unlawfully distributes a counterfeit substance
41 other than a narcotic or cocaine listed in schedule I,
42 II, or III, or a simulated controlled substance
43 represented to be any substance listed in schedule I,
44 II, or III, to a person under eighteen years of age
45 who is at least three years younger than the violator

46 commits a class "C" felony.
47 c. Unlawfully distributes a counterfeit substance
48 listed in schedule IV or V, or a simulated controlled
49 substance represented to be a substance listed in
50 schedule IV or V, to a person under eighteen years of

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1 age who is at least three years younger than the
2 violator commits an aggravated misdemeanor."
3 2. Page 1, by inserting after line 10, the
4 following:
5 "Sec. ____ . Section 204.409, subsection 1, Code
6 1989, is amended to read as follows:
7 1. Whenever a person who has not previously been
8 convicted of an offense under this chapter or an
9 offense under a state or federal statute relating to
10 narcotic drugs or cocaine, marijuana, or stimulant,
11 depressant, or hallucinogenic drugs, pleads guilty to
12 or is found guilty of possession of a controlled
13 substance under section 204.401, subsection 3 2, or is
14 sentenced pursuant to section 204.410, the court,
15 without entering a judgment of guilt and with the
16 consent of the accused, may defer further proceedings
17 and place the accused on probation upon terms and
18 conditions as it requires. When a person is placed on
19 probation under this subsection, the person's
20 appearance bond may be discharged at the discretion of
21 the court. Upon violation of a term or condition, the
22 court may enter an adjudication of guilt and proceed
23 as otherwise provided. Upon fulfillment of the terms
24 and conditions, the court shall discharge the person
25 and dismiss the proceedings against the person.
26 Discharge and dismissal under this section shall be
27 without court adjudication of guilt and is not a
28 conviction for purposes of this section or for
29 purposes of disqualifications or disabilities imposed
30 by law upon conviction of a crime, including the
31 additional penalties imposed for second or subsequent
32 convictions under section 204.410. Discharge and
33 dismissal under this section may occur only once with
34 respect to any person.
35 Sec. ____ . Section 204.410, Code 1989, is amended
36 to read as follows:
37 204.410 ACCOMMODATION OFFENSE.
38 In a prosecution for unlawful delivery or
39 possession with intent to deliver marijuana, if the
40 prosecution proves that the defendant violated the
41 provisions of section 204.401, subsection 1, by
42 proving that the defendant delivered or possessed with

43 intent to deliver one ounce or less of marijuana, the
 44 defendant is guilty of an accommodation offense and
 45 rather than being sentenced as if convicted for a
 46 violation of section 204.401, subsection 1, paragraph
 47 "b" "d", shall be sentenced as if convicted of a
 48 violation of section 204.401, subsection 3 2. An
 49 accommodation offense may be proved as an included
 50 offense under a charge of delivering or possessing

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1 with the intent to deliver marijuana in violation of
 2 section 204.401, subsection 1. This section does not
 3 apply to hashish, hashish oil, or other derivatives of
 4 marijuana as defined in section 204.101, subsection
 5 17.

6 Sec. ____ . Section 204.411, subsection 3, Code
 7 1989, is amended to read as follows:

8 3. This section does not apply to offenses under
 9 section 204.401, subsection 3 2.

10 Sec. ____ . Section 204.413, unnumbered paragraph 1,
 11 Code 1989, is amended to read as follows:

12 A person sentenced pursuant to section 204.401,
 13 subsection 1, ~~paragraph "a" or "b" shall is not be~~
 14 eligible for parole until the person has served a
 15 minimum period of confinement of one-third of the
 16 maximum indeterminate sentence ~~prescribed by law~~
 17 imposed by the court.

18 Sec. ____ . Section 907.3, unnumbered paragraph 1,
 19 Code 1989, is amended to read as follows:

20 Pursuant to section 901.5, the trial court may,
 21 upon a plea of guilty, a verdict of guilty, or a
 22 special verdict upon which a judgment of conviction
 23 may be rendered, exercise any of the options contained
 24 in subsections 1 and 2 of this section. However, this
 25 section shall not apply to a forcible felony or
 26 violations of section 204.401, subsection 1.

27 Sec. ____ . Section 204.414, Code 1989, is
 28 repealed."

29 3. By renumbering as necessary.

MARK HAGERLA

S-3449

1 Amend the amendment, S-3447, to Senate File 375 as
 2 follows:

3 1. Page 1, line 7, by striking the word "an" and
 4 inserting the following: "a new".

KENNETH SCOTT
 JIM RIORDAN

S-3450

1 Amend Senate File 318 as follows:

2 1. Page 1, line 6, by inserting after the word

3 "committee" the following: ", pursuant to section

4 467A.4, subsection 2.".

5 2. Page 1, line 8, by striking the word and

6 figure "through 3" and inserting the following: "and

7 2".

8 3. Page 1, line 18, by inserting after the figure

9 "17A." the following: "If a difference exists between

10 the committee and secretary regarding the content of a

11 proposed rule, the secretary shall notify the

12 chairperson of the committee of the difference within

13 thirty days from the committee's action on the rule.

14 The secretary and the committee shall meet to resolve

15 the difference within thirty days after the secretary

16 provides the committee with notice of the difference."

17 4. Page 1, line 32, by inserting after the word

18 "county." the following: "The boundaries of the

19 geographic regions shall be established by rule."

20 5. Page 2, by striking lines 8 through 10 and

21 inserting the following: "advisory capacity only.

22 The committee may perform acts, hold public hearings,

23 and propose rules pursuant to".

24 6. Page 2, line 15, by inserting after the word

25 "secretary." the following: "After reviewing the

26 names submitted, the secretary may request the soil

27 conservation committee to submit additional names for

28 consideration."

29 7. Page 2, by striking lines 17 through 21 and

30 inserting the following: "for the division. The

31 secretary, at the earliest opportunity and prior to

32 formulating a budget, shall meet with representatives

33 of the committee to discuss the committee's

34 recommendation. The committee or division".

35 8. By striking page 2, line 35 through page 4,

36 line 21.

37 9. By striking page 6, line 22 through page 7,

38 line 12.

39 10. Page 8, line 7, by striking the word

40 "DIVISION" and inserting the following: "DIVISION

41 COMMITTEE".

42 11. Page 10, by striking lines 10 through 12.

43 12. By renumbering as necessary.

JIM RIORDAN

S-3451

1 Amend amendment, S-3190, to Senate File 220 as
2 follows:

3 1. By striking page 1, line 25 through page 2,
4 line 30, and inserting the following: "is amended to
5 read as follows:

6 2. Winnings forfeited under subsection 1 shall
7 escheat to the state and be paid over to the director
8 of revenue and finance to be used to reimburse the
9 commission for the cost of drug testing at the tracks
10 and to the extent appropriated by the general assembly
11 ~~shall to be used for the benefit of the department of~~
12 ~~agriculture and land stewardship to the extent~~
13 ~~necessary to administer section 99D.22 and the~~
14 ~~remainder shall be deposited as provided in chapter~~
15 ~~556."~~

JOHN W. JENSEN

S-3452

1 Amend Senate File 375 as follows:

DIVISION S—3452A

2 1. Page 1, by striking lines 1 through 5 and
3 inserting the following:
4 "Section 1. COMPREHENSIVE ARTIFICIAL LAKE STUDY --
5 MORATORIUM ON CONSTRUCTION OR DEVELOPMENT. A
6 moratorium is imposed on the construction, erection,
7 or development of a dam or other structure creating a
8 new artificial lake or water impoundment by the
9 department of natural resources until January 1, 1992.
10 During the moratorium, the Iowa academy of science
11 shall contract for the services of a consultant to
12 complete a comprehensive study of current and future
13 needs for artificial lakes and water recreation in
14 this state. The consultant shall have recognized
15 competence in the fields of natural resources,
16 conservation, and the environment. The study shall
17 include a review of existing natural and artificial
18 lakes, restoration and management needs of the
19 existing lakes for the next twenty years, development
20 needs of the existing lakes to provide for optimum
21 public use, and the need for additional artificial

22 lakes. If additional artificial lakes are
 23 recommended, the size, use, and location shall be
 24 specified. The study shall also recommend whether
 25 existing state-owned sites and development plans
 26 should be implemented, or new sites and development
 27 plans should be purchased, prepared, and implemented.
 28 The study shall be completed and submitted to the
 29 legislative council by December 1, 1991. The
 30 comprehensive study shall be funded by moneys
 31 appropriated to the Iowa academy of science for that
 32 purpose.”

DIVISION S—3452B

33 2. Page 1, by striking lines 6 through 16 and
 34 inserting the following:
 35 “Sec. ____ . NEW SECTION. 108.5 BRUSHY CREEK LAKE
 36 PROHIBITED.
 37 It is the intent of the general assembly that a dam
 38 or other structure creating an artificial lake or
 39 water impoundment of one hundred acres or more not be
 40 constructed or erected in the Brushy Creek state
 41 recreation area.”

DIVISION S—3452C

42 3. Page 1, by striking lines 17 through 19 and
 43 inserting the following:
 44 “Sec. ____ . NEW SECTION. 108.6 LOST GROVE LAKE
 45 PROHIBITED.
 46 It is the intent of the general assembly that a dam
 47 or other structure creating an artificial lake or
 48 water impoundment of one hundred acres or more not be
 49 constructed or erected in the Lost Grove area.”

JAMES R. RIORDAN
 LINN FUHRMAN
 MAGGIE TINSMAN
 JULIA GENTLEMAN
 BERL E. PRIEBE

S-3453

1 Amend Senate File 280 as follows:
 2 1. Page 1, line 8, by inserting after the word
 3 “leased.” the following: “Once the industrial
 4 building or any portion of the industrial building is
 5 sold or leased, the industrial building or portion of
 6 the industrial building which is sold or leased shall

7 not again be entitled to an exemption under this
8 subsection.”

MICHAEL E. GRONSTAL

S-3454

1 Amend Senate File 372 as follows:

2 1. Page 1, by striking lines 9 and 10 and
3 inserting the following: “requested, or by
4 publication in the manner as provided in rule of civil
5 procedure 60 and subject to the conditions of rule of
6 civil procedure 60.1. A copy of the citation shall be
7 retained by the”.

8 2. Page 2, by striking lines 12 through 18 and
9 inserting the following: “district associate judge to
10 the district court. The procedure on appeal shall be
11 the same as for a small claim pursuant to section
12 631.13. A factual determination made by the trial
13 court, supported by substantial evidence as shown in
14 the record, is binding for purposes of appeal relating
15 to the violation at issue, but shall not be admissible
16 or binding as to any future violation for the same or
17 similar ordinance provision”.

18 3. Page 2, by striking lines 34 and 35 and
19 inserting the following: “requested, or by
20 publication in the manner as provided in rule of civil
21 procedure 60 and subject to the conditions of rule of
22 civil procedure 60.1. A copy of the citation shall be
23 retained by the”.

24 4. Page 4, by striking lines 6 through 13 and
25 inserting the following: “district associate judge to
26 the district court. The procedure on appeal shall be
27 the same as for a small claim pursuant to section
28 631.13. A factual determination made by the trial
29 court, supported by substantial evidence as shown in
30 the record, is binding for purposes of appeal relating
31 to the violation at issue, but shall not be admissible
32 or binding as to any future violation for the same or
33 similar ordinance provision by the same defendant.”

ALVIN MILLER
DONALD V. DOYLE

S-3455

1 Amend Senate File 472 as follows:

2 1. Page 1, by inserting before line 1, the

3 following:

4 "Sec. ____ . Section 256.9, Code 1989, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. 35. Employ a coordinator to
7 assist the department in gathering information on
8 standardized tests and noncertified private and home
9 education curricula, collecting test scores of
10 students enrolled in noncertified private and home
11 education programs, and disbursing information about
12 the programs, standardized tests, and curricula to the
13 area education agencies and public school districts
14 and the chairpersons of the committees on education of
15 the senate and house of representatives.

16 Sec. ____ . NEW SECTION. 256.15A NONCERTIFIED
17 EDUCATIONAL PROGRAMS ADVISORY COMMITTEE.

18 A noncertified educational programs advisory
19 committee is established to advise and make
20 recommendations to the department and state board of
21 education on matters affecting noncertified private
22 and home education programs. The committee shall
23 consist of five members, to be appointed by the
24 governor, each of whom shall be a citizen of the
25 United States and a resident of the state of Iowa.
26 The term of the members is four years. Members of the
27 committee shall be participants in alternative school
28 or noncertified private or home education programs.
29 Duties of the committee shall include, but are not
30 limited to, recommending curricula, recommending the
31 use and kinds of tests to be used, and the development
32 of rules relating to noncertified private and home
33 education programs under chapter 299A.

34 Committee members shall be reimbursed for actual
35 and necessary expenses incurred in the performance of
36 their duties. Members may also be eligible to receive
37 compensation as provided in section 7E.6. The expense
38 reimbursements shall be paid from moneys appropriated
39 to the department of education."

40 2. Page 1, line 8, by striking the word
41 "Nonaccredited" and inserting the following:
42 "Noncertified".

43 3. Page 1, line 16, by striking the word
44 "nonaccredited" and inserting the following:
45 "noncertified".

46 4. Page 1, line 17, by inserting after the word
47 "a" the following: "noncertified".

48 5. Page 1, line 18, by striking the word "Home"
49 and inserting the following: "Noncertified home".

50 6. Page 1, line 19, by inserting before the word

Page 2

- 1 "parent" the following: "noncertificated teacher who
2 is a".
- 3 7. Page 1, by striking lines 20 and 21 and
4 inserting the following: "students, who have reached
5 the ages of compulsory attendance under chapter 299,
6 and who are siblings."
- 7 8. Page 1, line 23, by inserting after the words
8 "in a" the following: "noncertified".
- 9 9. Page 1, line 28, by striking the word
10 "nonaccredited" and inserting the following:
11 "noncertified".
- 12 10. Page 1, line 28, by inserting after the word
13 "or" the following: "noncertified".
- 14 11. Page 1, line 31, by striking the word
15 "nonaccredited" and inserting the following:
16 "noncertified".
- 17 12. Page 1, by striking lines 32 and 33 and
18 inserting the following: "minimum of a bachelor's
19 degree and does not hold a teaching certificate issued
20 under chapter 260."
- 21 13. Page 2, line 5, by striking the words
22 "nonaccredited private school or" and inserting the
23 following: "noncertified private school or
24 noncertified".
- 25 14. Page 2, by striking line 9.
- 26 15. Page 2, line 10, by striking the words and
27 figures "282, and 299, a" and inserting the following:
28 "A".
- 29 16. Page 2, by striking lines 11 and 12 and
30 inserting the following: "child under instruction for
31 at least the number of days required for attendance in
32 private equivalent instruction under chapter 299 in
33 one of the following:".
- 34 17. Page 2, line 13, by striking the word
35 "nonaccredited" and inserting the following:
36 "noncertified".
- 37 18. Page 2, line 14, by inserting after the word
38 "A" the following: "noncertified".
- 39 19. Page 2, by inserting after line 14 the
40 following:
41 "A parent who complies with the provisions of this
42 chapter shall be deemed to have met the attendance
43 requirements of chapter 299."
- 44 20. Page 2, line 16, by striking the word "non-
45 accredited" and inserting the following:
46 "noncertified".
- 47 21. Page 2, line 17, by inserting after the word
48 "a" the following: "noncertified".

49 22. Page 2, line 19, by striking the words "each
50 school year" and inserting the following: "by

Page 3

1 February 1 of the year before each school year of
2 placement".

3 23. Page 2, line 23, by inserting after the word
4 "study," the following: "the titles, or publisher
5 where appropriate, of texts or curriculum used,".

6 24. Page 2, line 31, by inserting after the word
7 "ENROLLMENT" the following: "AND ALTERNATIVE SCHOOL
8 PROGRAMS".

9 25. Page 2, line 32, by striking the word
10 "private" and inserting the following: "noncertified
11 private or home".

12 26. Page 3, by striking lines 4 through 10, and
13 inserting the following: "442.4 and shall be counted
14 as one pupil. The district shall hire certificated
15 personnel to provide instructional services on a
16 consulting basis to parents of students enrolled in
17 noncertified home education programs or to instructors
18 in noncertified private schools. The district shall
19 determine the number of certificated personnel needed
20 for the instructional services under this section and
21 develop an alternative school program for provision of
22 the instructional services. The program shall
23 include, but is not limited to, providing assistance
24 in instructional planning to home instructors to
25 achieve academic progress in one or more subject
26 areas."

27 27. Page 3, by striking line 13 and inserting the
28 following:

29 "For up to thirty children, and for every thirty
30 children beyond the initial thirty, enrolled in a
31 noncertified".

32 28. Page 3, line 17, by striking the word
33 "nonaccredited" and inserting the following:
34 "noncertified".

35 29. Page 3, line 19, by striking the words
36 "private instruction" and inserting the following:
37 "noncertified private or home education".

38 30. Page 3, line 22, by striking the words
39 "private instruction" and inserting the following:
40 "noncertified private or home education".

41 31. Page 3, line 26, by inserting before the word
42 "private" the word "noncertified".

43 32. Page 3, line 34, by striking the words
44 "private education" and inserting the following:
45 "noncertified private or home education".

- 46 33. Page 4, line 1, by striking the word
47 "through" and inserting the following: "jointly by
48 the parents and".
49 34. Page 4, line 8, by inserting after the word
50 "district." the following: "The superintendent shall

Page 4

- 1 forward a copy of the results to the department of
2 education."
3 35. Page 4, line 12, by inserting after the
4 figure "299A.8," the following: "within thirty days
5 of obtaining the test results,".
6 36. Page 4, by striking line 16 and inserting the
7 following: "the academic problem. The modification
8 of the noncertified private or home education program
9 shall be subject to the approval of the public school
10 district superintendent. The decision of the
11 superintendent shall be considered a decision of the
12 board under section 290.1 and may be appealed by the
13 parent or guardian. The modified noncertified private
14 or home education program".
15 37. Page 4, line 20, by inserting after the word
16 "progress" the following: "to the child's discerned
17 grade level".
18 38. Page 4, line 21, by striking the words "an
19 unsupervised private" and inserting the following: "a
20 regular noncertified private or home".
21 39. Page 4, line 32, by striking the words "more
22 than ten" and inserting the following: "less than
23 five".
24 40. Page 5, line 2, by inserting after the word
25 "progress" the following: "to the child's discerned
26 grade level".
27 41. Page 5, line 3, by striking the words "an
28 unsupervised private" and inserting the following: "a
29 regular noncertified private or home".
30 42. Page 5, line 14, by striking the word
31 "nonaccredited" and inserting the following: "non-
32 certified".
33 43. Page 5, line 16, by striking the word
34 "nonaccredited" and inserting the following: "non-
35 certified".
36 44. Page 5, by striking lines 21 through 24, and
37 inserting the following: "interests of the child, the
38 results of the tests administered under sections
39 299A.8, 299A.9, and 299A.10, the interests of the
40 parent or guardian, and the recommendations of the
41 certificated teacher assigned to assist in the
42 education assistance program."

43 45. Page 5, line 32, by striking the word
 44 "private" and inserting the following: "noncertified
 45 private or home".
 46 46. Page 6, line 2, by striking the word
 47 "private" and inserting the following: "noncertified
 48 private or home".
 49 47. Page 6, line 4, by striking the word
 50 "private" and inserting the following: "noncertified

Page 5

1 private or home".
 2 48. Page 6, by striking lines 7 through 20, and
 3 inserting the following:
 4 "Sec. ____ . **NEW SECTION. 299A.13 NONCERTIFIED**
 5 **PRIVATE AND HOME EDUCATION ADVISORY COMMITTEES.**
 6 If a notice of intent to enroll a child in a
 7 noncertified private or home education program is
 8 filed with a superintendent under section 299A.3, the
 9 local school district shall form a committee within
 10 ninety days of the receipt of the notice, to assist
 11 and advise the district in the development of an
 12 alternative school program in the district under
 13 section 299A.4."
 14 49. Page 6, line 28, by striking the word
 15 "private" and inserting the following: "noncertified
 16 private or home".
 17 50. Page 6, line 32, by striking the word
 18 "serious" and inserting the following: "simple".
 19 51. By striking page 6, line 33 through page 7,
 20 line 1, and inserting the following: "to exceed one
 21 hundred dollars, confinement not to exceed thirty
 22 days, or the performance of up to one hundred twenty
 23 hours of unpaid community service. The court, in
 24 imposing sentence, shall give preference to the
 25 imposition of unpaid community service over a fine or
 26 confinement and shall give preference to the
 27 imposition of a fine over confinement."
 28 52. By renumbering as necessary.

LARRY MURPHY

S-3456

1 Amend Senate File 157 as follows:
 2 1. Page 1, line 14, by inserting after the word
 3 "course," the following: "However, the completion of
 4 a course is not required if the applicant demonstrates
 5 to the satisfaction of the department that completion

6 of the course would impose a hardship upon the
7 applicant. The department shall adopt rules under
8 chapter 17A defining the term "hardship" and establish
9 procedures for the demonstration and determination of
10 when completion of the course would impose a hardship
11 upon an applicant."

BERL E. PRIEBE
LARRY MURPHY

S-3457

1 Amend Senate File 505 as follows:
2 1. Page 1, line 6, by inserting after the word
3 "years" the following: "except that this limitation
4 does not apply to bonds issued pursuant to chapter
5 384, division III".

ELAINE SZYMONIAK

S-3458

1 Amend Senate File 419 as follows:
2 1. Page 1, by striking lines 2 through 30 and
3 inserting the following: "amended by adding the
4 following new unnumbered paragraphs:
5 NEW UNNUMBERED PARAGRAPH. In conjunction with the
6 requirements of section 18.3, subsection 1, effective
7 January 1, 1990, the state vehicle dispatcher shall
8 each year purchase new passenger automobiles such that
9 the average fuel efficiency for the fleet of new
10 passenger automobiles purchased in that year by the
11 state vehicle dispatcher is not less than two miles
12 per gallon under the average fuel economy standard for
13 the automobiles' model year as established by the
14 United States secretary of transportation under 15
15 U.S.C. § 2002. This paragraph does not apply to
16 automobiles purchased for law enforcement purposes or
17 to trucks or vans. As used in this paragraph, "fuel
18 economy" means the average number of miles traveled by
19 an automobile per gallon of gasoline consumed as
20 determined by the United States environmental
21 protection agency administrator in accordance with 26
22 U.S.C. § 4064(c).
23 NEW UNNUMBERED PARAGRAPH. The state vehicle
24 dispatcher shall annually report the average combined
25 fuel economy for all new motor vehicles purchased by
26 classification (passenger automobiles, enforcement

27 automobiles, vans, and light trucks) no later than
 28 January 31 of each year to the department of
 29 management. As used in this paragraph, "combined fuel
 30 economy" means the combined fuel economy as defined in
 31 20 C.F.R. § 600.002."

RICHARD VARN

S-3459

1 Amend Senate File 499 as follows:
 2 1. Page 3, line 6, by inserting after the word
 3 "retardation." the following: "Beginning July 1,
 4 1989, the governor shall make appointments pursuant to
 5 this section as vacancies occur. The governor may
 6 determine from which of the categories of membership
 7 the initial appointments shall be made."

MICHAEL E. GRONSTAL

S-3460

1 Amend Senate File 489, as follows:
 2 1. By striking page 1, line 1 through page 3,
 3 line 18 and inserting the following:
 4 "Section 1. NEW SECTION. 644A.1 FOUND PERSONAL
 5 PROPERTY -- DUTY OF POLICE OR COUNTY SHERIFF.
 6 1. Found personal property coming into the custody
 7 of a city police department or county sheriff shall be
 8 held by the police department or county sheriff for at
 9 least ninety days. Upon receipt of any found personal
 10 property, the city police department or county sheriff
 11 shall publish a description of the property in a
 12 newspaper having general circulation in the city or
 13 county.
 14 2. If the owner or finder of the personal property
 15 does not file a claim for the property within ninety
 16 days after the date of publication, the city police
 17 department or county sheriff may dispose of the
 18 property by one of the following methods:
 19 a. The property may be converted to use by the
 20 city police department or county sheriff's office.
 21 b. The property may be released to a charitable
 22 organization.
 23 c. The property may be sold at public auction and
 24 the proceeds of the sale credited to the city general
 25 fund or county general fund as applicable."
 26 2. Page 3, by striking lines 20 through 23 and

27 inserting the following: "amended by striking the
28 subsection."

29 3. Page 3, by striking lines 34 and 35 and
30 inserting the following: "~~exercise the powers~~
31 ~~specified in sections 644.2 and 644.12, and to hear~~
32 ~~complaints or preliminary~~".

33 4. Title page, lines 1 and 2, by striking the
34 words "and subjecting violators to a penalty".

EUGENE FRAISE

S-3461

1 Amend the amendment, S-3280, to Senate File 231 as
2 follows:

3 1. By striking page 1, line 4 through page 2,
4 line 44, and inserting the following:

5 "Sec. ____ . NEW SECTION. 476.75 ALTERNATIVE
6 OPERATOR SERVICES.

7 1. DEFINITIONS. As used in this section, unless
8 the context otherwise requires:

9 a. "Alternative operator services company" means a
10 nongovernmental company which receives more than half
11 of its Iowa intrastate telecommunications services
12 revenues from calls placed by end-user customers from
13 telephones other than ordinary residence or business
14 telephones. The definition is further limited to
15 include only companies which provide operator
16 assistance, either through live or automated
17 intervention, on calls placed from other than ordinary
18 residence or business telephones, and does not include
19 services provided under contract to rate-regulated
20 local exchange utilities.

21 b. "Contracting entity" means an entity providing
22 telephones other than ordinary residence or business
23 telephones for use by end-user customers which has
24 contracted with an alternative operator services
25 company to provide telecommunications services to
26 those telephones.

27 c. "End-user customer" means a person who places a
28 local or toll call.

29 d. "Other than ordinary residence or business
30 telephones" means telephones other than the residence
31 or business telephones of the customary users of the
32 telephones, including but not limited to pay
33 telephones and telephones in motel, hotel, hospital,
34 and college dormitory rooms.

35 2. JURISDICTION. Notwithstanding any finding by
36 the board that a service or facility is subject to

37 competition and should be deregulated pursuant to
 38 section 476.1, all intrastate telecommunications
 39 services provided by alternative operator services
 40 companies to end-user customers, using other than
 41 ordinary residence or business telephones, are subject
 42 to the jurisdiction of the board and shall be rendered
 43 pursuant to tariffs approved by the board.
 44 Alternative operator services companies shall be
 45 subject to all requirements and sanctions provided in
 46 this chapter. Contracting entities shall be subject
 47 to the requirements of any board regulations
 48 concerning telecommunications services provided by
 49 alternative operator services companies.
 50 3. REQUIREMENTS. The board shall adopt and

Page 2

1 enforce requirements for the provision of services by
 2 alternative operator services companies and
 3 contracting entities.
 4 4. BILLING BY LOCAL EXCHANGE UTILITIES.
 5 Notwithstanding any finding by the board that a
 6 service or facility is subject to competition and
 7 should be deregulated pursuant to section 476.1, a
 8 regulated local exchange utility shall not perform
 9 billing and collection functions relating to regulated
 10 telecommunications services provided by an alternative
 11 operator services company, unless the alternative
 12 operator services company has filed a statement with
 13 the local exchange utility signed by a corporate
 14 officer, or other authorized person having personal
 15 knowledge, that all regulated telecommunications
 16 services to be billed shall be rendered pursuant to
 17 tariffs approved by the board.
 18 Sec. ____ . This Act, being deemed of immediate
 19 importance, takes effect upon enactment.”

CHARLES BRUNER

S-3462

1 Amend Senate File 477 as follows:
 2 1. Page 1, by inserting after line 7 the
 3 following:
 4 “Sec. ____ . Section 123.36, subsection 9, Code
 5 1989, is amended to read as follows:
 6 9. Class “E” liquor control license, a sum of not
 7 less than seven hundred and fifty dollars, and not
 8 more than ~~seven thousand five hundred~~ ten thousand

9 dollars as determined on a sliding scale as
 10 established by the division taking into account the
 11 factors of square footage of the licensed premises up
 12 to and including ten thousand square feet, the
 13 location of the licensed premises, and the population
 14 of the area of the location of the licensed premises.
 15 The fee for licensed premises with a square footage
 16 over ten thousand square feet shall be ten thousand
 17 dollars plus twenty-five cents for each square foot
 18 over ten thousand square feet. Notwithstanding
 19 subsection 6, the holder of a class "E" liquor control
 20 license may sell alcoholic liquor for consumption off
 21 the licensed premises on Sunday subject to section
 22 123.49, subsection 2, paragraph "b".
 23 2. Title page, line 2, by inserting after the
 24 word "liquor" the following: "and the licensing fees
 25 for class "E" liquor control licenses".

JIM LIND

S-3463

1 Amend Senate File 476 as follows:
 2 1. Page 8, by inserting after line 33, the
 3 following:
 4 "Sec. ____ . NEW SECTION. 556E.15 UNLAWFUL
 5 PRACTICE.
 6 A violation of any of the provisions of this
 7 chapter shall be deemed an unlawful practice under
 8 section 714.16, subsection 2, paragraph "a". Section
 9 714.16, including, but not limited to, provisions
 10 relating to investigation, injunctive relief, and
 11 penalties, applies to violations of this chapter."
 12 2. By renumbering as necessary.

BOB M. CARR
 RICHARD RUNNING

S-3464

1 Amend Senate File 500 as follows:
 2 1. Page 2, line 25, by inserting after the word
 3 "the" the following: "department shall notify the".
 4 2. Page 2, line 26, by inserting after the word
 5 "appeals" the following: "which".
 6 3. Page 2, line 26, by striking the word "The"
 7 and inserting the following: "The After a hearing by
 8 the".

- 9 4. Page 2, line 27, by inserting after the word
10 "appeals" the following: "the state department of
11 transportation".
- 12 5. Page 2, line 29, by inserting after the word
13 "ordinance." the following: "The decision of the
14 state department of transportation is final state
15 action."
- 16 6. Page 2, line 30, by striking the word "prima-
17 facie" and inserting the following: "prima facie
18 prima facie".

ALVIN V. MILLER

S-3465

- 1 Amend Senate File 303 as follows:
2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:
4 "Section 1. NEW SECTION. 422.10A NEWBORN TAX
5 CREDIT.
6 A newborn tax credit of one hundred dollars is
7 allowed for a taxpayer who has given birth to a
8 child during the tax year. The credit is non-
9 refundable."

CHARLES BRUNER

S-3466

- 1 Amend Senate File 303 as follows:
2 1. Page 1, by inserting after line 9 the
3 following:
4 "4. The taxpayer does not claim a capital gains
5 tax refund under section 422.9, subsection 6."

CHARLES BRUNER

S-3467

- 1 Amend Senate File 419 as follows:
2 1. Page 2, line 33, by striking the word
3 "fifteen" and inserting the following: "ten".

RICHARD VARN

S-3468

- 1 Amend the amendment S-3465, to Senate File 303 as
2 follows:
3 1. Page 1, line 8, by inserting after the word
4 "year" the following: ", provided that the taxpayer
5 is married and is the biological parent of the
6 newborn".

JIM LIND

S-3469

- 1 Amend Senate File 459 as follows:
2 1. Page 1, by striking line 27 and inserting the
3 following: "is under sixty-five years of age at the
4 time the judge becomes".
5 2. Page 1, by striking lines 29 and 30 and
6 inserting the following: "senior judge's medical
7 insurance premium until the judge attains age sixty-
8 five."

DONALD V. DOYLE

S-3470

- 1 Amend Senate File 477 as follows:
2 1. Page 1, line 7, by inserting after the word
3 "liquor." the following: "However, at any time during
4 the eighteen-month period, if the division determines
5 that the average markup of up to forty percent of the
6 wholesale price of alcoholic liquor is causing a
7 significant loss of revenue to the state, the price of
8 alcoholic liquor sold by the division shall include an
9 average markup of up to fifty percent of the wholesale
10 price."

CHARLES BRUNER

S-3471

- 1 Amend Senate File 477 as follows:
2 1. Page 1, line 7, by inserting after the word
3 "liquor" the following: "in counties or other
4 localities in which the division determines that the
5 average markup of up to fifty percent is causing a

6 significant loss of revenue to the state in those
7 counties or other localities”.

CHARLES BRUNER

S-3472

1 Amend Senate File 315 as follows:

2 1. Page 1, by inserting after line 10 the
3 following:

4 “Sec. ____ . Section 204.414, Code 1989, is amended
5 to read as follows:

6 204.414 PENALTY ENHANCEMENT.

7 1. A person convicted of violating a provision of
8 this chapter, except section 204.401, subsection 3,
9 may be fined an amount not to exceed three times the
10 amount of the fine otherwise authorized for the
11 violation. This fine may be in addition to any other
12 penalty provided for violation of the provision.

13 2. A person in the immediate possession or control
14 of a firearm while participating in a violation of
15 section 204.401, where the violation is otherwise a
16 felony, and sections 204.402 and 204.403, may be
17 sentenced to two times the term otherwise imposed by
18 law.

19 3. A person in the immediate possession or control
20 of an offensive weapon, as defined in section 724.1,
21 while participating in a violation of section 204.401,
22 where the violation is otherwise a felony, and
23 sections 204.402 and 204.403, may be sentenced to
24 three times the term otherwise imposed by law.”

25 2. Renumber as necessary.

TOM MANN, Jr.

S-3473

1 Amend Senate File 497 as follows:

2 1. Page 1, line 4, by inserting after the word
3 “livestock.” the following: “However, the certificate
4 shall only contain the driver's license number if that
5 number is not the owner's social security number.”

TOM MANN, Jr.

S-3474

- 1 Amend Senate File 476 as follows:
2 1. Page 4, line 24, by inserting after the word
3 "exchange." the following: "However, the driver's
4 license number shall not be required if that number is
5 the owner's social security number."
6 2. Page 4, line 28, by inserting after the word
7 "exchange." the following: "However, the driver's
8 license number shall not be required if that number is
9 the owner's social security number."

TOM MANN, Jr.

S-3475

- 1 Amend amendment, S-3310, to Senate File 419 as
2 follows:
3 1. Page 3, by striking lines 12 through 18 and
4 inserting the following:
5 "The division shall report to the department of
6 natural resources the forecasted base and peak demand
7 data for all classes of natural gas and electric
8 utility customers.'"

RICHARD VARN

S-3476

- 1 Amend Senate File 323 as follows:
2 1. Page 1, by inserting after line 13, the
3 following:
4 "Notwithstanding the provisions of this subsection,
5 rules adopted under this subsection shall provide that
6 telecommunications may be used as the exclusive means
7 to provide any course suitable for telecommunication
8 broadcasts if the school district providing the course
9 has fully interactive audio and video systems and
10 multiple attendance centers are available for use by
11 the district's students. For purposes of this
12 subsection, "multiple attendance centers" means that
13 multiple facilities are available within the district,
14 or are available to a district's students because of
15 sharing instruction with three or fewer adjacent
16 districts or because of a recent reorganization of the
17 district.
18 Rules adopted under this section which relate to

19 the use of fully interactive telecommunications shall
 20 include standards relating to the suitability of
 21 particular subject matter for telecommunication
 22 broadcasts and shall establish maximum class size and
 23 number of maximum allowable remote sites for a given
 24 subject. Factors to be considered in the standards
 25 relating to suitability of subject matter for
 26 telecommunications shall include, but are not limited
 27 to, course curriculum content, class size, and methods
 28 for demonstration of student achievement."

LINN FUHRMAN

S-3477

1 Amend Senate File 393 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting the following:

4 "Section 1. Section 246.513, subsection 1,
 5 unnumbered paragraph 1, Code 1989, is amended to read
 6 as follows:

7 The department of corrections in cooperation with
 8 judicial district departments of correctional services
 9 shall establish in each judicial district bed space
 10 for the confinement and treatment of offenders
 11 convicted of violating chapter 321J who are sentenced
 12 to the custody of the director. The department of
 13 corrections shall develop standardized assessment
 14 criteria for the assignment of offenders to a facility
 15 established pursuant to this section. The offender
 16 shall be assigned by the director to a facility
 17 pursuant to section 321J.2, subsection 2, paragraph
 18 "c". The offenders shall ~~first~~ be assigned to the
 19 Iowa medical classification facility at Oakdale for
 20 classification ~~and after classification may be~~
 21 ~~assigned to if the offender fails to satisfactorily~~
 22 perform in a treatment program conducted in a
 23 residential facility operated by ~~any~~ a judicial
 24 district department of correctional services. The
 25 offender shall be assigned to an institution following
 26 classification. The facilities established shall meet
 27 all the following requirements:

28 Sec. 2. Section 321J.2, subsection 2, paragraph c,
 29 Code 1989, is amended to read as follows:

30 c. A class "D" felony for a third offense and each
 31 subsequent offense and shall be imprisoned in the
 32 county jail for a determinate sentence of not more
 33 than one year but not less than thirty days, or
 34 committed to the custody of the director of the

35 department of corrections, and assessed a fine of not
36 less than seven hundred fifty dollars. The minimum
37 jail term of thirty days cannot be suspended
38 notwithstanding section 901.5, subsection 3, and
39 section 907.3, subsection 3, however, the person
40 sentenced shall receive credit for any time the person
41 was confined in a jail or detention facility following
42 arrest. If a person is committed to the custody of
43 the director of the department of corrections pursuant
44 to this paragraph and the sentence is suspended, the
45 sentencing court shall order that the offender serve
46 the thirty-day minimum term in the county jail. If
47 the sentence which commits the person to the custody
48 of the director of the department of corrections is
49 later imposed by the court, all time served in a
50 county jail toward the thirty-day minimum term shall

Page 2

1 count as time served toward the sentence which
2 committed the person to the custody of the director of
3 the department of corrections. A person convicted of
4 a second or subsequent offense shall be ordered to
5 undergo a substance abuse evaluation prior to
6 sentencing. If a person is convicted of a third or
7 subsequent offense or if the evaluation recommends
8 treatment, the offender may be committed to the
9 custody of the director of the department of
10 corrections, who, if the sentence is not suspended,
11 shall assign the person to a facility pursuant to
12 section 246.513 or the offender may be committed to
13 treatment in the community under the provisions of
14 section 907.6. If the person cannot be assigned to a
15 facility pursuant to section 246.513 due to
16 insufficient bed space, the person shall be released
17 from custody upon the person's own recognizance, bond,
18 or supervision by the judicial district department of
19 correctional services until space is available.

20 Sec. 3. Section 901.3, Code 1989, is amended by
21 adding the following new subsection:
22 NEW SUBSECTION. 7. The defendant's potential as a
23 candidate for assignment to a treatment facility
24 pursuant to section 246.513 based upon the
25 standardized assessment criteria developed by the
26 department of corrections. The presentence
27 investigation report shall contain the assessment
28 criteria commencing January 1, 1990.

29 Sec. 4. Section 906.9, Code 1989, is amended to
30 read as follows:

31 906.9 CLOTHING, TRANSPORTATION, AND MONEY.

32 When an inmate is discharged, paroled, or placed on
 33 work release, ~~or placed in a community-based~~
 34 ~~correctional program under section 246.513~~, the warden
 35 or superintendent shall furnish the inmate, at state
 36 expense, appropriate clothing and transportation to
 37 the place in this state indicated in the inmate's
 38 discharge, parole, or work release plan; ~~or community-~~
 39 ~~based corrections assignment~~. When an inmate is
 40 discharged, paroled, or placed on work release, ~~or~~
 41 ~~placed in a community-based correctional program under~~
 42 ~~section 246.513~~, the warden or superintendent shall
 43 provide the inmate, at state expense, money in
 44 accordance with the following schedule:
 45 1. Upon discharge or parole, one hundred dollars.
 46 2. Upon being placed on work release, fifty
 47 dollars.
 48 3. Upon going from an educational work release to
 49 parole or discharge, fifty dollars.
 50 ~~4. Upon being placed in a community-based~~

Page 3

1 ~~correctional program under section 246.513, fifty~~
 2 ~~dollars.~~

3 Those inmates receiving payment under subsection 2;
 4 ~~or 3; or 4~~ shall not be eligible for payment under
 5 subsection 1 unless they are returned to the
 6 institution. The warden or superintendent shall
 7 maintain an account of all funds expended pursuant to
 8 this section."

9 2. Title page, line 1, by inserting after the
 10 word "commitment" the following: ", assignment, and
 11 release".

DONALD V. DOYLE
 EUGENE FRAISE
 MICHAEL E. GRONSTAL

S-3478

1 Amend Senate File 478 as follows:

- 2 1. Page 3, line 16, by inserting after the word
- 3 "include" the following: "a juvenile court officer
- 4 and".
- 5 2. By striking page 6, line 35 through page 7,
- 6 line 11 and inserting the following:
- 7 "Sec. ____ . Section 232.102, subsection 1,
- 8 paragraphs a, b, and c, Code 1989, are amended to read

9 as follows:

10 a. A relative or other suitable person for the
11 purpose of living with that person.

12 b. A child placing agency or other suitable
13 private agency, facility or institution which is
14 licensed or otherwise authorized by law to receive and
15 provide care for the child.

16 c. The department of human services or a juvenile
17 court officer for the purpose of foster care
18 placement.”

19 3. Page 7, by striking lines 33 and 34 and
20 inserting the following:

21 “6. In any order transferring custody to the
22 department, juvenile court officer, or an agency
23 licensed by the department of human services or
24 department of public health to provide residential
25 treatment, or in orders pursuant to a custody order,
26 the court”.

27 4. Page 8, by striking lines 4 and 5 and
28 inserting the following: “of the child to the
29 department of human services, juvenile court officer,
30 or other agency licensed by the department of human
31 services or department of public health to provide
32 residential treatment, for placement, the department,
33 juvenile court officer, or agency licensed by the
34 department of human services or department of public
35 health to provide residential treatment shall submit
36 a”.

37 5. Page 8, by striking line 12, and inserting the
38 following: “foster care facility, the department,
39 juvenile court officer, or agency licensed by the
40 department of human services or department of public
41 health to provide residential treatment shall
42 consider”.

43 6. Page 8, by striking lines 15 and 16, and
44 inserting the following: “other suitable person, the
45 court may direct the department, juvenile court
46 officer, or other agency licensed by the department of
47 human services or department of public health to
48 provide residential treatment to provide services to
49 the child’s parent.”.

50 7. Page 8, by striking lines 19 through 21 and

Page 2

1 inserting the following: “custody to the department
2 of human services, juvenile court officer, or ~~to~~
3 another agency licensed by the department of human
4 services or department of public health to provide
5 residential treatment for placement in foster group

6 care, the department, juvenile court officer, or
 7 agency licensed by the department of human services or
 8 department of public health to provide residential
 9 treatment shall make every reasonable effort to place
 10 the child”.

11 8. Page 8, line 27, by inserting after the word
 12 “department” the following: “, juvenile court
 13 officer, or agency licensed by the department of human
 14 services or department of public health to provide
 15 residential treatment.”.

16 9. Page 9, by striking lines 12 and 13 and
 17 inserting the following: “foster care facility, the
 18 department, or juvenile court officer, or agency
 19 licensed by the department of human services or
 20 department of public health to provide residential
 21 treatment which is responsible for the placement of
 22 the child shall consider placing the child in”.

23 10. Renumber as necessary.

DONALD V. DOYLE
 TOM MANN, Jr.
 EMIL HUSAK

S-3479

1 Amend Senate File 303 as follows:

2 1. Page 1, by inserting before line 10 the
 3 following:

4 “___ . The taxpayer claiming the credit derives
 5 fifty percent or more of the taxpayer’s income from
 6 farming or raising agricultural products.”

7 2. Page 1, by inserting before line 10 the
 8 following:

9 “___ . The credit is limited to a taxpayer with no
 10 more than fifty head of cattle.”

11 3. Page 1, by inserting after line 29 the
 12 following:

13 “___ . The taxpayer claiming the credit derives
 14 fifty percent or more of the taxpayer’s income from
 15 farming or raising agricultural products.”

16 4. Page 1, by inserting before line 30 the
 17 following:

18 “___ . The credit is limited to a taxpayer with no
 19 more than fifty head of cattle.”

20 5. By renumbering as necessary.

JIM RIORDAN

S-3480

1 Amend Senate File 500 as follows:

2 1. Page 2, line 25, by inserting after the word
3 "the" the following: "department shall notify the".

4 2. Page 2, line 26, by inserting after the word
5 "appeals" the following: "which".

6 3. Page 2, line 26, by striking the word "The"
7 and inserting the following: "The After a hearing by
8 the".

9 4. Page 2, line 27, by inserting after the word
10 "appeals" the following: ", the state department of
11 transportation".

12 5. Page 2, line 29, by inserting after the word
13 "ordinance." the following: "The decision of the
14 state department of transportation is final agency
15 action.".

16 6. Page 2, line 30, by striking the word "prima-
17 facie" and inserting the following: "prima facie
18 prima facie".

ALVIN V. MILLER

S-3481

1 Amend Senate File 294 as follows:

2 1. Page 14, by inserting before line 6 the
3 following:

4 "The contents or any part of the contents of an
5 intercepted wire communication or oral communication
6 and any evidence derived from the wire communication
7 or oral communication shall not be received in
8 evidence in a trial, hearing, or other proceeding in
9 or before a court if the content of the communication
10 is applicable to a particular offense which is not
11 made part of the application under section 808B.5."

MICHAEL E. GRONSTAL
AL STURGEON

S-3482

1 Amend Senate File 315 as follows:

2 1. Page 1, by inserting after line 10 the
3 following:

4 "Sec. ____ . Section 204.414, Code 1989, is amended
5 to read as follows:
6 204.414 PENALTY ENHANCEMENT.

7 1. A person convicted of violating a provision of
 8 this chapter, except section 204.401, subsection 3,
 9 may be fined an amount not to exceed three times the
 10 amount of the fine otherwise authorized for the
 11 violation. This fine may be in addition to any other
 12 penalty provided for violation of the provision.

13 2. A person in the immediate possession or control
 14 of a firearm while participating in a violation of
 15 section 204.401, where the violation is otherwise a
 16 felony, and sections 204.402 and 204.403, may be
 17 sentenced to two times the term otherwise imposed by
 18 law.

19 3. A person in the immediate possession or control
 20 of an offensive weapon, as defined in section 724.1,
 21 while participating in a violation of section 204.401,
 22 where the violation is otherwise a felony, and
 23 sections 204.402 and 204.403, may be sentenced to two
 24 times the term otherwise imposed by law."

25 2. Renumber as necessary.

TOM MANN, Jr.

S-3483

1 Amend Senate File 472 as follows:

DIVISION —3483A

2 1. Page 2, by inserting after line 30, the
 3 following:
 4 "By June 1 of the year before a parent or guardian
 5 places a child in a nonaccredited private school or a
 6 home education program, the parent or guardian shall
 7 provide the results of an initial screening and
 8 evidence that a subsequent evaluation is in progress
 9 or completed, if an evaluation is required as a result
 10 of the screening, for vision, hearing, speech, and
 11 motor skills and to determine eligibility for special
 12 education services. The initial screening and any
 13 subsequent evaluation may be performed either by area
 14 education agency personnel or by personnel not
 15 employed by the area education agency, if the other
 16 personnel have been approved by the department of
 17 education to conduct screenings or evaluations. If
 18 the screening or evaluation is performed by personnel
 19 other than those employed by the area education
 20 agency, the parent or guardian shall pay for the cost
 21 of any screening and any subsequent evaluation. If
 22 the screening shows the presence of a vision, hearing,

23 speech, or motor impairment, the parent or guardian
24 shall annually provide evidence that appropriate
25 services are being provided for the child. Services
26 may be provided either by area education agency
27 personnel or by means of the parent or guardian
28 contracting with, and paying for the services of,
29 private special education services providers. If the
30 screening or evaluation shows the need for special
31 education services requiring removal of the child from
32 the intended educational environment, the child shall
33 not be placed in a private or home education program
34 under this chapter without the approval of the special
35 education director of the area education agency in
36 accordance with the rules adopted by the state board
37 of education and the procedures specified in section
38 281.6.”

DIVISION S—3483B

39 2. Page 3, by inserting after line 10, the
40 following:
41 “Sec. ____ . NEW SECTION. 299A.4A SPECIAL
42 EDUCATION SUPPORT SERVICES.
43 If a child is receiving special education support
44 services through the area education agency, as a
45 result of a screening and any subsequent evaluation
46 showing the need for special education support
47 services, the services shall be provided on the
48 premises of the area education agency or the public
49 school. Transportation shall be provided by the
50 parent if special or additional transportation is

Page 2

DIVISION S—3483B (cont'd.)

1 required.”
2 3. By renumbering as needed.

WALLY HORN

S-3484

1 Amend Senate File 323 as follows:
2 1. Page 1, by inserting after line 13, the
3 following:
4 “Notwithstanding the provisions of this subsection,
5 rules adopted under this subsection shall provide that
6 telecommunications may be used as the exclusive means

7 to provide any course suitable for telecommunication
 8 broadcasts if the school district providing the course
 9 has fully interactive audio and video systems and
 10 multiple attendance centers are available for use by
 11 the district's students. In determining if a non-
 12 elective course which is required by the minimum
 13 educational standards under section 256.11 is suitable
 14 for interactive telecommunication broadcasts, the
 15 department shall consider the suitability of
 16 particular subject matter for telecommunication
 17 broadcasts, the maximum class size and number of
 18 maximum allowable remote sites for a given subject,
 19 course curriculum content, and methods for
 20 demonstration of student achievement. For purposes of
 21 this subsection, "multiple attendance centers" means
 22 that multiple facilities are available within the
 23 district, or are available to a district's students
 24 because of sharing instruction with three or fewer
 25 adjacent districts or because of a recent
 26 reorganization of the district."

LINN FUHRMAN

S-3485

- 1 Amend the amendment, S-3452, to Senate File 375
- 2 as follows:
- 3 1. Page 1, by striking lines 33 through 41.

JOHN PETERSON

S-3486

- 1 Amend the amendment, S-3452, to Senate File 375 as
- 2 follows:
- 3 1. Page 1, line 32, by inserting after the word
- 4 "purpose." the following: "This moratorium shall not
- 5 apply to the construction of an artificial lake or
- 6 water impoundment if the primary purpose of that
- 7 artificial lake or water impoundment is storage for a
- 8 public water supply system."

JIM RIORDAN

S-3487

- 1 Amend Senate File 315 as follows:

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

DIVISION S—3487A

4 "Sec. ____ . Section 204.401, Code 1989, is amended
5 by striking the section and inserting in lieu thereof
6 the following:

7 204.401 PROHIBITED ACTS -- MANUFACTURERS --
8 POSSESSORS -- CONTROLLED SUBSTANCES -- COUNTERFEIT
9 SUBSTANCES -- SIMULATED CONTROLLED SUBSTANCES --
10 PENALTIES.

11 1. Except as authorized by this chapter, it is
12 unlawful for any person to manufacture, deliver, or
13 possess with the intent to manufacture or deliver, a
14 controlled substance, a counterfeit substance, or a
15 simulated controlled substance, or to act with, enter
16 into a common scheme or design with, or conspire with
17 one or more other persons to manufacture, deliver, or
18 possess with the intent to manufacture or deliver, a
19 controlled substance, a counterfeit substance, or a
20 simulated controlled substance.

21 a. Violation of this subsection, with respect to
22 the following controlled substances, counterfeit
23 substances, or simulated controlled substances is a
24 class "B" felony, and notwithstanding section 902.9,
25 subsection 1, shall be punished by confinement for no
26 more than fifty years and a fine of not less than ten
27 thousand dollars nor more than one million dollars:

28 (1) More than one kilogram of a mixture or
29 substance containing a detectable amount of heroin.

30 (2) More than five kilograms of a mixture or
31 substance containing a detectable amount of any of the
32 following:

33 (a) Coca leaves, except coca leaves and extracts
34 of coca leaves from which cocaine, ecgonine, and
35 derivatives of ecgonine or their salts have been
36 removed.

37 (b) Cocaine, its salts, optical and geometric
38 isomers, and salts of isomers.

39 (c) Ecgonine, its derivatives, their salts,
40 isomers, and salts of isomers.

41 (d) Any compound, mixture, or preparation which
42 contains any quantity of any of the substances
43 referred to in subparagraph subdivisions (a) through
44 (c).

45 (3) More than fifty grams of a mixture or
46 substance described in subparagraph 2 which contains
47 cocaine base.

48 (4) More than one hundred grams of phencyclidine

49 (PCP) or one kilogram or more of a mixture or
50 substance containing a detectable amount of

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DIVISION S—3487A (cont'd.)

- 1 phencyclidine (PCP).
2 (5) More than ten grams of a mixture or substance
3 containing a detectable amount of lysergic acid
4 diethylamide (LSD).
5 (6) More than one thousand kilograms of a mixture
6 or substance containing a detectable amount of
7 marijuana.
8 b. Violation of this subsection with respect to
9 the following controlled substances, counterfeit
10 substances, or simulated controlled substances is a
11 class "B" felony, and in addition to the provisions of
12 section 902.9, subsection 1, shall be punished by a
13 fine of not less than five thousand dollars nor more
14 than one hundred thousand dollars:
15 (1) More than one hundred grams but not more than
16 one kilogram of a mixture or substance containing a
17 detectable amount of heroin.
18 (2) More than five hundred grams but not more than
19 five kilograms of any of the following:
20 (a) Coca leaves, except coca leaves and extracts
21 of coca leaves from which cocaine, ecgonine, and
22 derivatives of ecgonine or their salts have been
23 removed.
24 (b) Cocaine, its salts, optical and geometric
25 isomers, and salts of isomers.
26 (c) Ecgonine, its derivatives, their salts,
27 isomers, and salts of isomers.
28 (d) Any compound, mixture, or preparation which
29 contains any quantity of any of the substances
30 referred to in subparagraph subdivisions (a) through
31 (c).
32 (3) More than five grams but not more than fifty
33 grams of a mixture or substance described in
34 subparagraph (2) which contains cocaine base.
35 (4) More than ten grams but not more than one
36 hundred grams of phencyclidine (PCP) or more than one
37 hundred grams but not more than one kilogram of a
38 mixture or substance containing a detectable amount of
39 phencyclidine (PCP).
40 (5) Not more than ten grams of lysergic acid
41 diethylamide (LSD).
42 (6) More than one hundred kilograms but not more
43 than one thousand kilograms of marijuana.

44 c. Violation of this subsection with respect to
45 the following controlled substances, counterfeit
46 substances, or simulated controlled substances is a
47 class "C" felony, and in addition to the provisions of
48 section 902.9, subsection 3, shall be punished by a
49 fine of not less than one thousand dollars nor more
50 than fifty thousand dollars:

Page 3

DIVISION S—3487A (cont'd.)

- 1 (1) One hundred grams or less of a mixture or
2 substance containing a detectable amount of heroin.
3 (2) Five hundred grams or less of any of the
4 following:
5 (a) Coca leaves, except coca leaves and extracts
6 of coca leaves from which cocaine, ecgonine, and
7 derivatives of ecgonine or their salts have been
8 removed.
9 (b) Cocaine, its salts, optical and geometric
10 isomers, and salts of isomers.
11 (c) Ecgonine, its derivatives, their salts,
12 isomers, and salts of isomers.
13 (d) Any compound, mixture, or preparation which
14 contains any quantity of any of the substances
15 referred to in subparagraph subdivisions (a) through
16 (c).
17 (3) Five grams or less of a mixture or substance
18 described in subparagraph (2) which contains cocaine
19 base.
20 (4) Ten grams or less of phencyclidine (PCP) or
21 one hundred grams or less of a mixture or substance
22 containing a detectable amount of phencyclidine (PCP).
23 (5) More than fifty kilograms but not more than
24 one hundred kilograms of marijuana.
25 (6) Any other controlled substance classified in
26 schedule I, II, or III.
27 d. Violations of this subsection, with respect to
28 any other controlled substances, counterfeit
29 substances, or simulated controlled substances
30 classified in schedule IV or V, or less than fifty
31 kilograms of marijuana, or any other amount of such
32 substances, is a class "D" felony, and in addition to
33 the provisions of section 902.9, subsection 4, shall
34 be punished by a fine of not less than one thousand
35 dollars nor more than five thousand dollars.
36 2. It is unlawful for any person knowingly or
37 intentionally to possess a controlled substance,
38 counterfeit substance, or simulated controlled

39 substance unless such substance was obtained directly
40 from or pursuant to a valid prescription or order of a
41 practitioner while acting in the course of the
42 practitioner's professional practice, or except as
43 otherwise authorized by this chapter. A person who
44 violates this subsection with respect to possession of
45 the following substances is guilty of the following:
46 a. Marijuana in an amount less than one ounce, is
47 guilty of a serious misdemeanor. Punishment shall be
48 imprisonment in the county jail for not more than six
49 months or a fine of not less than one hundred dollars
50 nor more than one thousand dollars, or by both such

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DIVISION S—3487A (cont'd.)

- 1 imprisonment and fine.
2 b. Marijuana in an amount of one ounce or more, or
3 any amount of any other controlled substance
4 classified in schedule I, II, III, IV, or V is guilty
5 of an aggravated misdemeanor.
6 c. Any of the following controlled substances,
7 counterfeit substances, or simulated controlled
8 substances in the following amounts is guilty of a
9 class "D" felony:
10 (1) One hundred grams or more of a mixture or
11 substance containing a detectable amount of heroin.
12 (2) Five hundred grams or more of any of the
13 following:
14 (a) Coca leaves, except coca leaves and extracts
15 of coca leaves from which cocaine, ecgonine, and
16 derivatives of ecgonine or their salts have been
17 removed.
18 (b) Cocaine, its salts, optical and geometric
19 isomers, and salts of isomers.
20 (c) Ecgonine, its derivatives, their salts,
21 isomers, and salts of isomers.
22 (d) Any compound, mixture, or preparation which
23 contains any quantity of any of the substances
24 referred to in subparagraph subdivisions (a) through
25 (c).
26 (3) Five grams or more of a mixture or substance
27 described in subparagraph (2) which contains cocaine
28 base.
29 (4) Ten grams or more of phencyclidine (PCP) or
30 more than one hundred kilograms of a mixture or
31 substance containing a detectable amount of
32 phencyclidine (PCP).
33 (5) Ten grams or more of lysergic acid

34 diethylamide (LSD).

35 | d. Marijuana in an amount of one ounce or more, or
36 any amount of any other controlled substance
37 classified in schedule I, II, III, IV, or V, if the
38 person violating this subsection has previously been
39 convicted of a violation of the laws of this or any
40 other jurisdiction proscribing delivery, sale,
41 manufacturing, or possession with the intent to
42 deliver or manufacture any controlled substance,
43 counterfeit substance, or simulated controlled
44 substance, is guilty of a class "D" felony.

45 3. If the same person commits two or more acts
46 which are in violation of this section and the acts
47 occur in approximately the same location or time
48 period so that the acts can be attributed to a single
49 scheme, plan, or conspiracy, the acts may be
50 considered a single violation and the weight of the

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DIVISION S—3487A (cont'd.)

1 controlled substances, counterfeit substances, or
2 simulated controlled substances involved may be
3 combined for purposes of charging the offender.
4 Sec. ____ . Section 204.406, subsections 1 and 2,
5 Code 1989, are amended by striking the subsections and
6 inserting in lieu thereof the following:

7 1. A person who is eighteen years of age or older
8 who:

9 a. Unlawfully distributes a substance listed in
10 schedule I or II, which is a narcotic or cocaine, to a
11 person under eighteen years of age commits a class "B"
12 felony and shall serve a minimum term of confinement
13 of five years. However, if the substance was
14 distributed in or on, or within one thousand feet of,
15 the real property comprising a public or private
16 elementary or secondary school, the person shall serve
17 a minimum term of confinement of ten years.

18 b. Unlawfully distributes a controlled substance
19 other than a narcotic or cocaine listed in schedule I,
20 II, or III to a person under eighteen years of age who
21 is at least three years younger than the violator
22 commits a class "C" felony.

23 c. Unlawfully distributes a controlled substance
24 listed in schedule IV or V to a person under eighteen
25 years of age who is at least three years younger than
26 the violator commits an aggravated misdemeanor.

27 2. A person who is eighteen years of age or older
28 who:

29 a. Unlawfully distributes a counterfeit substance
 30 listed in schedule I or II which is a narcotic or
 31 cocaine, or a simulated controlled substance
 32 represented to be a narcotic or cocaine classified in
 33 schedule I or II, to a person under eighteen years of
 34 age commits a class "B" felony. However, if the
 35 substance was distributed in or on, or within one
 36 thousand feet of, the real property comprising a
 37 public or private elementary or secondary school, the
 38 person shall serve a minimum term of confinement of
 39 ten years.

40 b. Unlawfully distributes a counterfeit substance
 41 other than a narcotic or cocaine listed in schedule I,
 42 II, or III, or a simulated controlled substance
 43 represented to be any substance listed in schedule I,
 44 II, or III, to a person under eighteen years of age
 45 who is at least three years younger than the violator
 46 commits a class "C" felony.

47 c. Unlawfully distributes a counterfeit substance
 48 listed in schedule IV or V, or a simulated controlled
 49 substance represented to be a substance listed in
 50 schedule IV or V, to a person under eighteen years of

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DIVISION S—3487A (cont'd.)

1 age who is at least three years younger than the
 2 violator commits an aggravated misdemeanor."

DIVISION S—3487B

3 2. Page 1, line 1, by striking the words and
 4 figures "Section 204.406, Code 1989, is amended by
 5 add." and inserting the following: "NEW SECTION.
 6 204.401A USE OF FIREARM OR OFFENSIVE WEAPON --
 7 PENALTIES.

8 The penalties provided in section 204.401 shall
 9 only apply where the person committing the unlawful
 10 act in violation of section 204.401 is in the
 11 immediate possession or control of a firearm or
 12 offensive weapon while participating in the violation.
 13 Sec. ____ . Section 204.406, Code 1989, is amended
 14 by add-".

DIVISION S—3487A (cont'd.)

15 3. Page 1, by inserting after line 10, the
 16 following:
 17 "Sec. ____ . Section 204.409, subsection 1, Code

18 1989, is amended to read as follows:

19 1. Whenever a person who has not previously been
 20 convicted of an offense under this chapter or an
 21 offense under a state or federal statute relating to
 22 narcotic drugs or cocaine, marijuana, or stimulant,
 23 depressant, or hallucinogenic drugs, pleads guilty to
 24 or is found guilty of possession of a controlled
 25 substance under section 204.401, subsection ~~3~~ 2, or is
 26 sentenced pursuant to section 204.410, the court,
 27 without entering a judgment of guilt and with the
 28 consent of the accused, may defer further proceedings
 29 and place the accused on probation upon terms and
 30 conditions as it requires. When a person is placed on
 31 probation under this subsection, the person's
 32 appearance bond may be discharged at the discretion of
 33 the court. Upon violation of a term or condition, the
 34 court may enter an adjudication of guilt and proceed
 35 as otherwise provided. Upon fulfillment of the terms
 36 and conditions, the court shall discharge the person
 37 and dismiss the proceedings against the person.
 38 Discharge and dismissal under this section shall be
 39 without court adjudication of guilt and is not a
 40 conviction for purposes of this section or for
 41 purposes of disqualifications or disabilities imposed
 42 by law upon conviction of a crime, including the
 43 additional penalties imposed for second or subsequent
 44 convictions under section 204.410. Discharge and
 45 dismissal under this section may occur only once with
 46 respect to any person.

47 Sec. ____ . Section 204.410, Code 1989, is amended
 48 to read as follows:

49 204.410 ACCOMMODATION OFFENSE.

50 In a prosecution for unlawful delivery or

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DIVISION S—3487A (cont'd.)

1 possession with intent to deliver marijuana, if the
 2 prosecution proves that the defendant violated the
 3 provisions of section 204.401, subsection 1, by
 4 proving that the defendant delivered or possessed with
 5 intent to deliver one ounce or less of marijuana, the
 6 defendant is guilty of an accommodation offense and
 7 rather than being sentenced as if convicted for a
 8 violation of section 204.401, subsection 1, paragraph
 9 "b" "d", shall be sentenced as if convicted of a
 10 violation of section 204.401, subsection ~~3~~ 2. An
 11 accommodation offense may be proved as an included
 12 offense under a charge of delivering or possessing

13 with the intent to deliver marijuana in violation of
14 section 204.401, subsection 1. This section does not
15 apply to hashish, hashish oil, or other derivatives of
16 marijuana as defined in section 204.101, subsection
17 17.

18 Sec. ____ . Section 204.411, subsection 3, Code
19 1989, is amended to read as follows:

20 3. This section does not apply to offenses under
21 section 204.401, subsection 3 2.

22 Sec. ____ . Section 204.413, unnumbered paragraph 1,
23 Code 1989, is amended to read as follows:

24 A person sentenced pursuant to section 204.401,
25 subsection 1, ~~paragraph "a" or "b" shall is not be~~
26 eligible for parole until the person has served a
27 minimum period of confinement of one-third of the
28 maximum indeterminate sentence ~~prescribed by law~~
29 imposed by the court.

30 A person sentenced pursuant to section 204.401,
31 subsection 1, paragraph "e" or "f", is not eligible
32 for parole until the person has served a minimum
33 period of confinement of one-third of each term
34 imposed.

35 Sec. ____ . Section 907.3, unnumbered paragraph 1,
36 Code 1989, is amended to read as follows:

37 Pursuant to section 901.5, the trial court may,
38 upon a plea of guilty, a verdict of guilty, or a
39 special verdict upon which a judgment of conviction
40 may be rendered, exercise any of the options contained
41 in subsections 1 and 2 of this section. However, this
42 section shall not apply to a forcible felony or
43 violations of section 204.401, subsection 1.

44 Sec. ____ . Section 204.414, Code 1989, is
45 repealed."

46 4. By renumbering as necessary.

MARK HAGERLA

S-3488

1 Amend House File 234, 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 523A.2, subsection 1, paragraph
6 a, Code 1989, is amended to read as follows:

7 a. All funds held in trust under section 523A.1
8 shall be deposited in a state or federally insured
9 bank, savings and loan association, or credit union
10 authorized to conduct business in this state, or trust

11 department thereof, or in a trust company authorized
12 to conduct business in this state, within thirty days
13 after the receipt of the funds and shall be held in a
14 separate account or in one common trust fund under a
15 trust agreement in the name of the depositor in trust
16 for the designated beneficiary until released pursuant
17 to section 523A.1.”

18 2. Page 1, by inserting after line 7, the
19 following:

20 “Sec. ____ . Section 524.103, Code 1989, is amended
21 by adding the following new subsection:
22 NEW SUBSECTION. 28. “Trust company” means a
23 business organization which is authorized to engage in
24 trust business pursuant to section 524.1005. A bank
25 lawfully granted trust powers under the laws of this
26 state or of the United States is not a trust company
27 by reason of having authority to engage in trust
28 business in addition to its general business.”

29 3. Page 1, by striking line 28, and inserting the
30 following:

31 “Sec. ____ . Section 524.217, subsections 1, 2, 4,
32 5, and 7, Code 1989, are”.

33 4. Page 1, by inserting after line 29, the
34 following:

35 “1. The superintendent shall have power to make or
36 cause to be made an examination of every state bank
37 and trust company whenever in the superintendent’s
38 judgment such examination is necessary or advisable,
39 but in no event less frequently than once during each
40 eighteen-month period. During the course of each
41 examination of a state bank or trust company, inquiry
42 shall be made as to its financial condition, the
43 security afforded to those to whom it is obligated,
44 the policies of its management, whether the
45 requirements of law have been complied with in the
46 administration of its affairs, and such other matters
47 as the superintendent may prescribe. The
48 superintendent shall also have power to make or cause
49 to be made such limited examinations at such times and
50 with such frequency as the superintendent may deem

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1 necessary and advisable to determine the condition of
2 any state bank or trust company and whether any person
3 has violated any of the provisions of this chapter.

4 2. The superintendent shall have power to make or
5 cause to be made an examination of any corporation in
6 which the state bank or trust company owns shares
7 except corporations described in paragraphs “a” and

8 "b" of subsection 3 of section 524.901. The
9 superintendent shall also have power, upon application
10 to and order of the district court of Polk county, to
11 make or cause to be made an examination of any person
12 having business transactions or a relationship with
13 any state bank or trust company when such an
14 examination is deemed necessary and advisable in order
15 to determine whether the capital of the state bank or
16 trust company is impaired or whether the safety of its
17 deposits has been imperiled. The fee for any such
18 examination shall be paid by the state bank or trust
19 company."

20 5. Page 2, by inserting after line 5, the
21 following:

22 "5. A copy of the report of each examination of a
23 state bank or trust company shall be transmitted by
24 the superintendent to the board of directors of the
25 state bank or trust company except to the extent that
26 the report of any such examination may be confidential
27 to the superintendent, and each member of the board of
28 directors shall furnish to the superintendent, on
29 forms to be supplied by the superintendent, a
30 statement that the member has read the report of
31 examination.

32 7. The report of examination of any affiliate or
33 of any person examined as provided for in subsection 2
34 ~~of this section~~ shall not be transmitted by the
35 superintendent to any such affiliate or person or to
36 any state bank or trust company or to the board of
37 directors of any state bank or trust company unless
38 authorized or requested by such affiliate or person."

39 6. Page 5, by inserting after line 4, the
40 following:

41 "Sec. ____ . Section 524.1005, Code 1989, is amended
42 to read as follows:

43 524.1005 TRUST COMPANIES OPERATING ON JANUARY 1,
44 1970.

45 1. A trust company existing and operating on
46 January 1, 1970 and which was authorized to act only
47 as a trust company may continue to act only in a
48 fiduciary capacity according to the terms of its
49 articles of incorporation. The articles of
50 incorporation of the trust company may be renewed in

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1 perpetuity. When applicable, this chapter applies to
2 the operations of the trust company. Section 524.107,
3 subsection 2, regarding the use of the word "trust"
4 does not apply to a trust company subject to this

5 section.

6 2. Notwithstanding subsection 1, a trust company
7 shall have the power to do all of the following:

8 a. Acquire and hold, or lease as lessee, such
9 personal property as is used, or is to be used, in its
10 operations.

11 b. Subject to the prior approval of the
12 superintendent, acquire and hold, or lease as lessee,
13 only such real property as is used, or is to be used,
14 wholly or substantially, in its operations or acquired
15 for future use.

16 c. Subject to the prior approval of the
17 superintendent, acquire and hold shares of a
18 corporation engaged solely in holding and operating
19 real property used wholly or substantially by the
20 trust company in its operation or acquired for its
21 future use.

22 d. Subject to the prior approval of the
23 superintendent, acquire and hold shares of a
24 corporation organized to perform, or performing,
25 functions or activities that may be performed by a
26 trust company, including activities of a fiduciary,
27 agency, or custodial nature, in the manner authorized
28 by federal or state law, as long as the corporation is
29 not a bank and does not make loans and investments or
30 accept deposits other than the following permitted
31 deposits:

32 (1) Deposits that are generated from trust funds
33 not currently invested and that are properly secured
34 to the extent required by law.

35 (2) Deposits representing funds received for a
36 special use in the capacity of managing agent or
37 custodian for an owner of, or investor in, real
38 property, securities, or other personal property; or
39 for such owner or investor as agent or custodian of
40 funds held for investment or as escrow agent; or for
41 an issuer of, or broker or dealer in securities, in a
42 capacity such as a paying agent, dividend disbursing
43 agent, or securities clearing agent. However, such
44 deposits shall not be employed by or for the account
45 of the customer in the manner of a general purpose
46 checking account or interest-bearing account.

47 (3) Making call loans to securities dealers or
48 purchasing money market instruments such as
49 certificates of deposit, commercial paper, government
50 or municipal securities, and bankers acceptances.

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1 Such authorized loans and investments, however, shall
 2 not be used as a method of channeling funds to
 3 nontrust company affiliates of the trust company.
 4 e. Subject to the prior approval of the
 5 superintendent, acquire and hold shares of a
 6 corporation organized to perform, or performing, the
 7 collection of charges and premiums from, or adjusting
 8 and settling claims on, residents of this state and
 9 any other state where authorized or qualified to
 10 conduct such activity, in connection with life or
 11 health insurance coverage or annuities."

12 7. Page 10, by inserting after line 6, the
 13 following:

14 "Sec. ____ . Section 633.63, subsection 2, Code
 15 1989, is amended to read as follows:

16 2. Banks and trust companies organized under the
 17 laws of the United States or state banks, when
 18 approved by the superintendent of banking under
 19 section 524.1001, and trust companies authorized to
 20 engage in trust business pursuant to section 524.1005,
 21 are authorized to act in a fiduciary capacity in
 22 Iowa."

23 8. By renumbering as necessary.

COMMITTEE ON COMMERCE
 WILLIAM D. PALMER, Chairperson

S-3489

1 Amend Senate File 426 as follows:

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

4 "Sec. ____ NEW SECTION. 668.15 DAMAGES RESULTING
 5 FROM SEXUAL ABUSE -- EVIDENCE.

6 In an action against a person accused of sexual
 7 abuse, as defined in section 709.1, by an alleged
 8 victim of sexual abuse for damages resulting from the
 9 act of sexual abuse, evidence concerning the past
 10 sexual behavior of the alleged victim is not
 11 admissible."

12 2. Renumber as necessary.

RICHARD VARN
 JIM RIORDAN

S-3490

1 Amend Senate File 435 as follows:

2 1. Page 4, by inserting after line 33 the
3 following:

4 "Sec. ____ . Section 118.8, unnumbered paragraph 2,
5 Code 1989, is amended to read as follows:

6 The board shall adopt rules governing practical
7 training and education and may adopt as its rules
8 criteria published by a national certification body
9 recognized by the board, subject to exceptions as
10 otherwise required by this section. The board may
11 accept the accreditation decisions of a national
12 accreditation body recognized by the board.

13 The board may waive the professional education
14 requirements for eligibility to take the examination
15 if the applicant demonstrates a specific and
16 substantial hardship.

17 The board shall waive the professional education
18 requirements for eligibility to take the examination
19 if the applicant has been a continuous participant in
20 a practical training program under the direction of a
21 registered architect since January 1, 1970."

22 2. Title page, line 2, by inserting after the
23 word "schools" the following: "and of architects".

24 3. By numbering and renumbering as necessary.

PAUL D. PATE

S-3491

1 Amend Senate File 323 as follows:

2 1. Page 1, line 4, by inserting after the word
3 "used" the following: "unless the

4 telecommunications use fully interactive audio and
5 video systems.".

JOY CORNING

S-3492

1 Amend House File 272 as passed by the House as
2 follows:

3 1. Page 1, by striking line 4 and inserting the

4 following: "~~manufacturing~~ in Iowa products and
5 services. The department".

COMMITTEE ON SMALL BUSINESS
AND ECONOMIC DEVELOPMENT
LEONARD BOSWELL, Chairperson

S-3493

1 Amend House File 549, as passed by the House, as
2 follows:
3 1. Page 1, line 7, by striking the word "sales,"
4 and inserting the following: "sales,".
5 2. Page 1, line 8, by striking the word
6 "marketing," and inserting the following: "marketing;
7 and".
8 3. Page 1, line 8, by striking the word
9 "commodities," and inserting the following:
10 "commodities,".
11 4. Page 1, line 12, by inserting after the word
12 "agricultural" the following: "commodities and".
13 5. Page 1, by striking line 13 and inserting the
14 following: "state by providing advice in the
15 development of and by monitoring the implementation of
16 a program and plan which provide for the".
17 6. Page 1, by striking lines 15 through 22 and
18 inserting the following: "council shall consist of
19 one member from each of the following associations,
20 five members appointed by the secretary of
21 agriculture: Iowa pork producers association, Iowa
22 beef cattle producers association, Iowa sheep and wool
23 promotion board, Iowa egg council, Iowa dairy industry
24 commission, Iowa turkey marketing council, Iowa
25 soybean promotion board, Iowa corn promotion board,
26 Iowa wood industry association, and state horticulture
27 society and up to an additional ten members, and five
28 members appointed by the".
29 7. Page 1, line 23, by inserting after the word
30 "in" the following: "marketing or".
31 8. Page 1, line 23, by inserting after the word
32 "agricultural" the following: "commodities or".
33 9. Page 1, line 24, by inserting after the word
34 "agricultural" the following: "commodities or".
35 10. Page 1, line 24, by striking the word "and"
36 and inserting the following: "and or".
37 11. Page 1, by striking line 30 and inserting the
38 following:
39 "2. The department and the department of agri-
40 culture and land stewardship shall jointly".

- 41 12. Page 1, line 31, by inserting after the word
 42 "agricultural" the following: "commodities and".
 43 13. Page 1, line 32, by striking the word
 44 "policy" and inserting the following: "program".
 45 14. Page 1, line 32, by striking the figures "1,
 46 1991" and inserting the following: "15, 1990".
 47 15. Page 1, line 33, by striking the words
 48 "governor and the general" and inserting the follow-
 49 ing: "council".
 50 16. Page 1, by striking line 34 and inserting the

Page 2

- 1 following: "for its review, consideration, and
 2 approval, and shall develop a".
 3 17. By striking page 1, line 35, through page 2,
 4 line 2, and inserting the following: "comprehensive
 5 agricultural commodities and products promotion plan
 6 by April 1, 1990, and update the program and plan
 7 annually. The program and any accompanying
 8 recommendations of the council and the departments
 9 shall be submitted to the governor and the general
 10 assembly. The program".
 11 18. Page 2, line 17, by striking the word "raw".
 12 19. Page 2, line 18, by striking the word "or"
 13 and inserting the following: "and".
 14 20. Page 2, line 25, by inserting after the word
 15 "agricultural" the following: "commodities and".
 16 21. Page 2, line 28, by inserting after the word
 17 "agricultural" the following: "commodities and".
 18 22. Page 2, line 31, by striking the word "shall"
 19 and inserting the following: "may".
 20 23. Page 2, by striking lines 33 and 34 and in-
 21 sserting the following: "developing and implementing
 22 the program and plan of the departments and the
 23 council. In the event a promotion program and plan as
 24 set forth in subsection 2 are not adopted by the
 25 council by April 1, 1990, the council shall employ or
 26 contract with a consultant or specialist to assist in
 27 the development of a promotion program and plan."

COMMITTEE ON SMALL BUSINESS
 AND ECONOMIC DEVELOPMENT
 LEONARD BOSWELL, Chairperson

S-3494

- 1 Amend the amendment, S-3269, to Senate File 31, as
 2 follows:

- 3 1. Page 1, by inserting after line 15, the
 4 following:
 5 "Sec. ____ . Section 135C.14, Code 1989, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 9. The department shall not adopt
 8 any rule requiring the preadmission screening of a
 9 person entering a health care facility if the person
 10 does not receive medical assistance under chapter
 11 249A."
 12 2. By renumbering as necessary.

BERL E. PRIEBE
 JOE WELSH

S-3495

- 1 Amend House File 140 as amended, passed, and
 2 reprinted by the House as follows:
 3 1. Page 1, line 29, by inserting after the word
 4 "crops" the following: "or producing poultry".
 5 2. Page 1, line 34, by inserting after the words
 6 "nontraditional crops" the following: "or producing
 7 poultry".
 8 3. Page 2, line 9, by striking the words "and
 9 nontraditional crops" and inserting the following:
 10 "and, nontraditional crops and poultry production".
 11 4. Page 2, line 22, by inserting after the words
 12 "nontraditional crops." the following: "Loan
 13 applications for poultry producing shall be for the
 14 purchase or lease of land, machinery, or equipment."

COMMITTEE ON SMALL BUSINESS
 AND ECONOMIC DEVELOPMENT
 LEONARD L. BOSWELL, Chairperson

S-3496

- 1 Amend House File 140, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, line 3, by inserting after the word
 4 "percent" the following: "but no more than ten
 5 million dollars".
 6 2. Page 5, by inserting before line 16 the
 7 following:
 8 "Sec. ____ . NEW SECTION. 12.45 MAIN STREET LINKED
 9 INVESTMENTS LOAN PROGRAM.
 10 The treasurer of state shall adopt rules to
 11 implement a main street linked investments loan

12 program to increase the availability of lower cost
13 funds to stimulate building restorations or
14 rehabilitations of historic buildings within the
15 central business district of a city which is a
16 certified local government, or in the Iowa main street
17 program or, if enacted by the Seventy-third General
18 Assembly, in the rural main street program. The rules
19 shall include the following conditions:

20 1. Linked investment loans shall be limited to
21 projects for a building restoration or rehabilitation
22 located in the central business district whose
23 boundaries are the same as the main street or rural
24 main street or central business district of a city
25 which is a certified local government project area.

26 2. Eligible borrowers are limited to the property
27 owner, contract purchaser of record, or long-term
28 lessee.

29 3. Loan applications under this program shall be
30 for the restoration or rehabilitation of facades of
31 buildings which are eligible or nominated or listed on
32 the national register of historic places. Public
33 buildings are excluded.

34 4. A facade restoration or rehabilitation must
35 follow United States secretary of interior's standards
36 for rehabilitation and guidelines for rehabilitating
37 historic buildings.

38 5. The maximum loan amount under the main street
39 linked investments loan program is fifty thousand
40 dollars per project.

41 Sec. — . NEW SECTION. 12.46 APPLICATION
42 PROCESS.

43 Applicants shall be certified as eligible for
44 assistance prior to submitting applications to the
45 treasurer of state for loans under the main street
46 linked investment loan program. Administrative rules
47 pursuant to chapter 17A shall be adopted jointly by
48 the department of economic development and by the
49 department of cultural affairs to require applicants
50 to do the following:

Page 2

1 1. Show evidence of preliminary design assistance
2 from the Iowa main street program of the department of
3 economic development or the state historic
4 preservation office of the department of cultural
5 affairs.

6 2. Show evidence of preliminary design review
7 approval from the local design review committee.

8 3. Submit project plans and specifications

9 prepared by an architect with historic preservation
 10 experience. The plans shall be submitted to a final
 11 design review board comprised of representatives of
 12 the state historic preservation office, the Iowa main
 13 street program, and one private sector architect
 14 selected jointly by the directors of the departments
 15 of economic development and cultural affairs. The
 16 treasurer of state or the treasurer of state's
 17 designee shall serve as an ad hoc member of the design
 18 review board. The design review board shall provide
 19 certification of eligible projects to the treasurer of
 20 state following the review."
 21 3. Title page, line 1, by inserting after the
 22 word "program" the following: "and creating a main
 23 street linked investments loan program".
 24 4. Renumber as necessary.

COMMITTEE ON SMALL BUSINESS
 AND ECONOMIC DEVELOPMENT
 LEONARD BOSWELL, Chairperson

S-3497

1 Amend House File 273 as follows:
 2 1. Page 1, by inserting before line 1, the
 3 following:
 4 "Sec. ____ . NEW SECTION. 28.149 MULTIPLE
 5 CORPORATIONS.
 6 The public directors, by a majority vote, may
 7 create more than one corporation. Each additional
 8 corporation shall be governed by this chapter. An
 9 additional corporation may act as a general partner in
 10 a limited partnership under chapter 545."
 11 2. By renumbering as necessary.

ALVIN V. MILLER
 ELAINE SZYMONIAK
 BEVERLY A. HANNON
 RICHARD VANDE HOEF
 LEONARD L. BOSWELL
 KEN SCOTT
 JOHN KIBBIE
 JIM LIND
 JOHN A. PETERSON

S-3498

1 Amend the amendment, S-3347, to Senate File 396, as

2 follows:

3 1. Page 1, by striking lines 22 through 28 and
4 inserting the following:

5 "1. The governor shall designate one of the full-
6 time members of the board of parole as the
7 chairperson. The chairperson shall serve at the
8 pleasure of the governor. The chairperson shall be
9 the administrator of the board of parole."

10 2. Page 1, by inserting after line 43 the
11 following:

12 "f. Supervise the development and disclosure of
13 the board of parole's policy regarding prison
14 expansion."

15 3. Page 3, by striking lines 16 through 19 and
16 inserting the following: "parole. The administrative
17 parole judge may revoke the parole and".

18 4. Page 4, by striking lines 40 through 44.

19 5. Page 4, by inserting after line 44 the
20 following:

21 "___ . Page 3, by inserting after line 21 the
22 following:

23 "Sec. ___ . Section 910A.10, subsection 1,
24 paragraph a, Code 1989, is amended to read as follows:

25 a. Not less than five twenty days prior to
26 conducting a hearing at which the board will interview
27 an offender, the board shall notify the victim of the
28 interview and inform the victim that the victim may
29 submit the victim's opinion concerning the release of
30 the offender in writing prior to the hearing or may
31 appear personally or by counsel at the hearing to
32 express an opinion concerning the offender's
33 release.""

34 6. By renumbering as necessary.

BOB M. CARR

S-3499

1 Amend House File 196, as passed by the House, as
2 follows:

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

5 "**NEW SUBSECTION.** 5. An adoption information form
6 completed by the petitioner".

COMMITTEE ON HUMAN RESOURCES
BEVERLY A. HANNON, Chairperson

S-3500

- 1 Amend Senate File 484 as follows:
- 2 1. Page 1, line 18, by striking the word
- 3 "coordinate" and inserting the following: "encourage
- 4 the coordination of".
- 5 2. Page 1, line 21, by inserting after the word
- 6 "state." the following: "The council shall not
- 7 control research prerogatives of colleges or
- 8 universities or their faculty, of private individuals,
- 9 or of businesses. The council, upon request, may
- 10 provide assistance to colleges and universities for
- 11 acquisition of financial support for research
- 12 activities from any source, including the federal
- 13 government."
- 14 3. Page 2, by striking line 22.
- 15 4. Page 2, by striking line 31.
- 16 5. Page 4, by striking lines 10 through 13.
- 17 6. Page 4, by inserting after line 14, the
- 18 following:
- 19 " ____ . Establish subcommittees of business and
- 20 academic specialists as needed."
- 21 7. Page 5, by inserting after line 11 the
- 22 following:
- 23 " ____ . To provide a peer review process for
- 24 projects and research funded by the council."
- 25 8. Page 5, line 33, by striking the word
- 26 "administration" and inserting the following:
- 27 "efficiency and productivity".
- 28 9. Page 6, line 31, by striking the words "sue
- 29 and be sued,".
- 30 10. Page 7, line 12, by striking the words "state
- 31 board of regents" and inserting the following:
- 32 "department of agriculture and land stewardship".
- 33 11. By renumbering as necessary.

LINN FUHRMAN
 BERL E. PRIEBE
 JACK W. HESTER
 EMIL J. HUSAK

S-3501

- 1 Amend House File 371 as follows:
- 2 1. Page 8, line 23, by inserting after the word
- 3 "designee," the following: "or".

COMMITTEE ON HUMAN RESOURCES
 BEVERLY HANNON, Chairperson

S-3502

1 Amend Senate File 478 as follows:

2 1. Page 2, by inserting after line 3 the
3 following:

4 "Sec. ____ . Section 232.39, Code 1989, is amended
5 by striking the section and inserting in lieu thereof
6 the following:

7 232.39 EXCLUSION OF PUBLIC FROM HEARINGS.

8 Hearings held under this division are open to the
9 public unless the court, on the motion of any of the
10 parties or upon the court's own motion, excludes the
11 public. The court shall exclude the public from a
12 hearing if the court determines that the possibility
13 of damage or harm to the child outweighs the public's
14 interest in having an open hearing. Upon closing the
15 hearing to the public, the court may admit those
16 persons who have direct interest in the case or in the
17 work of the court."

18 2. Page 4, by striking lines 22 through 33 and
19 inserting the following:

20 "2. Upon the filing of a petition, the court shall
21 appoint counsel and a guardian ad litem for the child
22 identified in the petition as a party to the
23 proceedings. ~~Counsel shall be appointed as follows:~~
24 The guardian ad litem may be either an attorney or a
25 court appointed special advocate. The guardian ad
26 litem shall be independent of all other parties to the
27 proceeding. The same person may serve as both counsel
28 and guardian ad litem. If counsel and the guardian ad
29 litem are not the same person, the guardian ad litem
30 shall submit a report to counsel prior to any court
31 proceeding. An attorney who serves as counsel or
32 guardian ad litem shall be compensated pursuant to the
33 provisions of subsection 3."

34 3. Page 11, by striking lines 11 through 18 and
35 inserting the following:

36 "2. Upon the filing of a petition the court shall
37 appoint counsel and a guardian ad litem for the child
38 identified in the petition as a party to the
39 proceedings. The guardian ad litem may be either an
40 attorney or a court appointed special advocate. The
41 guardian ad litem shall be independent of all other
42 parties to the proceeding. The same person may serve
43 as both counsel and guardian ad litem. If counsel and
44 the guardian ad litem are not the same person, the
45 guardian ad litem shall submit a report to counsel
46 prior to any court proceeding."

47 4. Page 13, by striking lines 32 through 35 and

48 inserting the following:

49 “(1) The child has been adjudicated as a child in
50 need of assistance pursuant to section 232.96.”

Page 2

- 1 5. Page 16, line 4, by striking the word “only”.
- 2 6. By renumbering as necessary.

TOM MANN, Jr.

S-3503

- 1 Amend House File 669, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 5, by inserting after the word
- 4 “biennial,” the following: “the multiflora rose (rosa
- 5 multiflora)”.
- 6 2. Page 1, line 7, by inserting after the word
- 7 “state.” the following: “However, the multiflora rose
- 8 (rosa multiflora) may be sold, offered for sale, or
- 9 distributed when used for understock for cultivated
- 10 roses or as ornamental shrubs in gardens.”
- 11 3. Title page, line 2, by inserting before the
- 12 word “and” the following: “and multiflora rose (rosa
- 13 multiflora).”.

COMMITTEE ON NATURAL RESOURCES
KENNETH SCOTT, Chairperson

S-3504

- 1 Amend Senate File 396, as follows:
- 2 1. Page 3, by inserting after line 21 the
- 3 following:
- 4 “Sec. ____ . Section 910A.10, subsection 1,
- 5 paragraph a, Code 1989, is amended to read as follows:
- 6 a. Not less than ~~five~~ twenty days prior to
- 7 conducting a hearing at which the board will interview
- 8 an offender, the board shall notify the victim of the
- 9 interview and inform the victim that the victim may
- 10 submit the victim’s opinion concerning the release of
- 11 the offender in writing prior to the hearing or may
- 12 appear personally or by counsel at the hearing to
- 13 express an opinion concerning the offender’s release.”
- 14 2. By renumbering as necessary.

JIM LIND

S-3505

- 1 Amend Senate File 419 as follows:
- 2 1. Page 4, by inserting before line 7 the
- 3 following:
- 4 "Sec. ____ . Section 478A.7, Code 1989, is
- 5 repealed."

JACK RIFE

S-3506

- 1 Amend amendment, S-3310, to Senate File 419, as
- 2 follows:
- 3 1. Page 3, by striking lines 9 through 18.
- 4 2. By renumbering as necessary.

RICHARD VARN

S-3507

- 1 Amend Senate File 389 as follows:
- 2 1. Page 1, line 4, by striking the figure "1991"
- 3 and inserting the following: "1990".

COMMITTEE ON WAYS AND MEANS
WILLIAM DIELEMAN, Chairperson

S-3508

- 1 Amend House File 535, 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. NEW SECTION. 257.1 STATE SCHOOL
- 6 FOUNDATION PROGRAM -- STATE AID.
- 7 1. PROGRAM ESTABLISHED. A state school foundation
- 8 program is established for the school year commencing
- 9 July 1, 1991, and succeeding school years.
- 10 2. STATE SCHOOL FOUNDATION AID -- FOUNDATION BASE.
- 11 For a budget year, each school district in the state
- 12 is entitled to receive foundation aid, in an amount
- 13 per pupil equal to the difference between the amount
- 14 per pupil of foundation property tax in the district,
- 15 and the combined foundation base per pupil or the
- 16 combined district cost per pupil, whichever is less.
- 17 However, if the amount of foundation aid received by a

18 school district under this chapter is less than three
19 hundred dollars per pupil, the district is entitled to
20 receive three hundred dollars per pupil unless the
21 receipt of three hundred dollars per pupil plus the
22 per pupil amount raised by the foundation property tax
23 exceeds the district cost per pupil of the district
24 for the budget year. In which case, the district is
25 entitled to receive an amount per pupil equal to the
26 difference between the per pupil amount raised by the
27 foundation property tax for the budget year and the
28 district cost per pupil for the budget year.
29 For the budget year commencing July 1, 1991, the
30 regular program foundation base per pupil is eighty-
31 three and twenty-five hundredths percent of the
32 regular program state cost per pupil. For each
33 succeeding budget year, the regular program foundation
34 base shall increase twenty-five hundredths percent per
35 year until the foundation base reaches eighty-five
36 percent of the regular program state cost per pupil.
37 For the budget year commencing July 1, 1991, the
38 special education support services foundation base is
39 eighty-three and twenty-five hundredths percent of the
40 special education support services state cost per
41 pupil. It shall increase at the same rate as the
42 regular program foundation base. The combined
43 foundation base is the sum of the regular program
44 foundation base and the special education support
45 services foundation base.
46 However, increases in the foundation base for a
47 budget year provided in this section shall be adjusted
48 by changes in the assessed valuation in the state.
49 The department of management shall determine the
50 percent of change in the assessed valuation in the

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1 state from January 1 in the year preceding the base
2 year to January 1 in the base year. If the percent of
3 increase in the assessed valuation in the state is one
4 percent, the foundation base shall increase as
5 provided in this section. For each additional percent
6 of increase, the foundation base shall increase an
7 additional twenty-five hundredths percent, not to
8 exceed twenty-five hundredths percent. If the value
9 of the assessed valuation decreases one percent or
10 more, the foundation base shall not increase the
11 twenty-five hundredths percent provided in this
12 section.
13 3. COMPUTATIONS ROUNDED. In making computations
14 and payments under this chapter, except in the case of

15 computations relating to funding of special education
16 support services, media services, and educational
17 services provided through the area education agencies,
18 the department of management shall round amounts to
19 the nearest whole dollar.

20 Sec. 2. NEW SECTION. 257.2 DEFINITIONS.

21 As used in this chapter:

22 1. "Combined state cost per pupil" is a per pupil
23 amount determined by adding together the regular
24 program state cost per pupil for a year and the
25 special education support services state cost per
26 pupil for that year calculated under section 257.9.

27 2. "Combined district cost per pupil" is an amount
28 determined by adding together the regular program
29 district cost per pupil for a year and the special
30 education support services district cost per pupil for
31 that year as calculated under section 257.10.

32 3. "Base year" means the school year ending during
33 the calendar year in which a budget is certified.

34 4. "Budget year" means the school year beginning
35 during the calendar year in which a budget is
36 certified.

37 5. "School district" means a school corporation
38 organized under chapter 274.

39 6. "Miscellaneous income" means the receipts
40 deposited to the general fund of the school district
41 but not including any of the following:

42 a. Foundation aid.

43 b. Revenue obtained from the foundation property
44 tax.

45 c. Revenue obtained from the additional property
46 tax.

47 7. "Expenditures" means the total amounts paid
48 from the general fund of a school district.

49 Sec. 3. NEW SECTION. 257.3 FOUNDATION PROPERTY
50 TAX.

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1 1. AMOUNT OF TAX. Except as provided in
2 subsection 2, a school district shall cause to be
3 levied each year, for the school general fund, a
4 foundation property tax equal to five dollars and
5 forty cents per thousand dollars of assessed
6 valuation. The county auditor shall spread the
7 foundation levy over all taxable property in the
8 district.

9 2. DISTRICTS WITH REDUCED LEVIES. The property
10 tax rates of those districts that met the requirements
11 of section 442.2, subsection 1, Code 1989, and were

12 reduced shall have the reduced levies that they would
 13 have had under section 442.2, subsection 1, Code 1989,
 14 and those levies shall continue to increase twenty
 15 cents per year as provided in that section.

16 3. RAILWAY CORPORATIONS. For purposes of section
 17 257.1, the "amount per pupil of foundation property
 18 tax" does not include the tax levied under subsection
 19 1 or 2 on the property of a railway corporation or on
 20 its trustee if the corporation has been declared
 21 bankrupt or is in bankruptcy proceedings.

22 Sec. 4. NEW SECTION. 257.4 ADDITIONAL PROPERTY
 23 TAX.

24 1. COMPUTATION OF TAX. A school district shall
 25 cause to be levied each year, an additional property
 26 tax levy. The rate of the additional property tax
 27 levy in a school district shall be determined by the
 28 department of management and shall be calculated to
 29 raise the difference between the combined district
 30 cost for the budget year and the sum of the products
 31 of the regular program foundation base per pupil times
 32 the weighted enrollment in the district and the
 33 special education support services foundation base per
 34 pupil times the special education support services
 35 weighted enrollment in the district.

36 2. APPLICATION OF TAX. No later than May 1 of
 37 each year, the department of management shall notify
 38 the county auditor of each county the amount, in
 39 dollars and cents per thousand dollars of assessed
 40 value, of the additional property tax levy in each
 41 school district in the county. A county auditor shall
 42 spread the additional property tax levy for each
 43 school district in the county over all taxable
 44 property in the district.

45 Sec. 5. NEW SECTION. 257.5 CONTINUING
 46 SUPPLEMENTAL AID.

47 For purposes of this section, a reorganized school
 48 district is one in which reorganization was approved
 49 in an election pursuant to sections 275.18 and 275.20
 50 prior to July 1, 1989, and took effect on or after

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1 July 1, 1986.

2 A reorganized school district receiving
 3 supplemental aid prior to July 1, 1991, under section
 4 442.9A, Code 1989, shall continue to receive
 5 supplemental aid in the same amount under this section
 6 until the expiration of the five-year period specified
 7 in section 442.9A, Code 1989.

8 There is appropriated from the general fund of the

9 state to the department of management for each fiscal
10 year an amount sufficient to pay the supplemental aid
11 to school districts under this section. Supplemental
12 aid shall be paid in the manner provided in section
13 257.16.

14 For the purpose of the department of management's
15 determination of the portion of a school district's
16 budget that was property tax and the portion that was
17 state aid under section 257.26, supplemental aid shall
18 be considered property tax.

19 Sec. 6. NEW SECTION. 257.6 ENROLLMENT.

20 1. ACTUAL ENROLLMENT. Actual enrollment is
21 determined on the third Friday of September in each
22 year and includes all of the following:

23 a. Resident pupils who were enrolled in public
24 schools within the district in grades kindergarten
25 through twelve and including prekindergarten pupils
26 enrolled in special education programs.

27 b. Full-time equivalent resident pupils of high
28 school age for which the district pays tuition to
29 attend an Iowa area school.

30 c. Shared-time and part-time pupils of school age
31 enrolled in public schools within the district,
32 irrespective of the districts in which the pupils
33 reside, in the proportion that the time for which they
34 are enrolled or receive instruction for the school
35 year is to the time that full-time pupils carrying a
36 normal course schedule, at the same grade level, in
37 the same school district, for the same school year,
38 are enrolled and receive instruction. Tuition charges
39 to the parent or guardian of a shared-time or part-
40 time nonresident pupil shall be reduced by the amount
41 of any increased state aid received by the district by
42 the counting of the pupil.

43 d. Eleventh and twelfth grade nonresident pupils
44 who were residents of the district during the
45 preceding school year and are enrolled in the district
46 until the pupils graduate. Tuition for those pupils
47 shall not be charged by the district in which the
48 pupils are enrolled.

49 Pupils attending a university laboratory school are
50 not counted in the actual enrollment of a school

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1 district, but the laboratory school shall report their
2 enrollment directly to the department of education.

3 A school district shall certify its actual
4 enrollment to the department of education by October 1
5 of each year, and the department shall promptly

6 forward the information to the department of
7 management. The department of management shall
8 determine whether a district is entitled to an advance
9 for increasing enrollment on the basis of its actual
10 enrollment.

11 2. BASIC ENROLLMENT. Basic enrollment for a
12 budget year is a district's actual enrollment for the
13 base year. Basic enrollment for the base year is a
14 district's actual enrollment for the year preceding
15 the base year.

16 3. ADDITIONAL ENROLLMENT BECAUSE OF SPECIAL
17 EDUCATION. A school district shall determine its
18 additional enrollment because of special education, as
19 defined in this section, on December 1 of each year
20 and shall certify its additional enrollment because of
21 special education to the department of education by
22 December 15 of each year, and the department shall
23 promptly forward the information to the department of
24 management.

25 For the purposes of this chapter, "additional
26 enrollment because of special education" is determined
27 by multiplying the weighting of each category of child
28 under section 281.9 times the number of children in
29 each category totaled for all categories minus the
30 total number of children in all categories.

31 4. BUDGET ENROLLMENT. Budget enrollment for the
32 budget year shall be calculated for each school
33 district by the department of management in the manner
34 provided in this subsection. If the basic enrollment
35 of a school district has declined from one year to the
36 next during any of the five years prior to the base
37 year, the district may be eligible for an enrollment
38 adjustment based upon the percent of the enrollment
39 decline and the number of years that have elapsed
40 since the decline occurred. The budget enrollment for
41 the budget year shall be calculated by adding together
42 the following percents of enrollment decline in the
43 district's basic enrollment from one base year to the
44 preceding base year for each of the five preceding
45 base years, commencing with the percent of change
46 between the basic enrollment for the budget year and
47 the basic enrollment for the base year, adding the sum
48 of the percents to one hundred and multiplying the
49 total by the basic enrollment for the budget year:

50 Years between the Base Year

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1					and the Year of Decline	
2	<u>Percent of Decline</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>

3	Less than 1	0	0	0	0	0
4	1.0 through 2.9	2	2	1	1	0
5	3.0 through 4.9	4	3	2	2	1
6	5.0 through 6.9	6	5	4	3	2
7	7.0 and over	8	7	5	4	3

8 However, if a district's actual enrollment for a
 9 budget year is greater than its budget enrollment, the
 10 district is eligible for an advance for increasing
 11 enrollment as provided in section 257.13.

12 5. BUDGET ENROLLMENT FOR 1991-1992.
 13 Notwithstanding subsections 2 and 4, for the budget
 14 year commencing July 1, 1991, a school district's
 15 budget enrollment is the larger of the following:

16 a. The sum of twenty percent of the basic
 17 enrollment for the budget year beginning July 1, 1982,
 18 calculated under chapter 442, Code 1987, and eighty
 19 percent of the larger of the basic enrollment for the
 20 base year or the basic enrollment for the budget year.

21 b. The basic enrollment for the budget year.
 22 However, if a district's actual enrollment in that
 23 year is greater than its budget enrollment, the
 24 district is eligible for an advance for increasing
 25 enrollment as provided in section 257.13.

26 6. BUDGET ENROLLMENT FOR 1992-1993.
 27 Notwithstanding subsections 2 and 4, for the budget
 28 year commencing July 1, 1992, a school district's
 29 budget enrollment is the larger of the following:

30 a. The sum of fifteen percent of the basic
 31 enrollment for the budget year beginning July 1, 1987,
 32 calculated under chapter 442, Code 1989, and eighty-
 33 five percent of the larger of the basic enrollment for
 34 the base year or the basic enrollment for the budget
 35 year.

36 b. The basic enrollment for the budget year.
 37 However, if a district's actual enrollment in that
 38 year is greater than its budget enrollment, the
 39 district is eligible for an advance for increasing
 40 enrollment as provided in section 257.13.

41 7. WEIGHTED ENROLLMENT. Weighted enrollment is
 42 the budget enrollment plus the district's additional
 43 enrollment because of special education calculated on
 44 December 1 of the base year plus additional pupils
 45 added due to the application of the supplementary
 46 weighting.

47 Weighted enrollment for special education support
 48 services costs is equal to the weighted enrollment
 49 minus the additional pupils added due to the
 50 application of the supplementary weighting.

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1 Sec. 7. NEW SECTION. 257.7 AUTHORIZED
2 EXPENDITURES.

3 1. BUDGETS. School districts are subject to
4 chapter 24. The authorized expenditures of a school
5 district during a base year shall not exceed the
6 lesser of the budget for that year certified under
7 section 24.17 plus any allowable amendments permitted
8 in this section, or the authorized budget, which is
9 the sum of the district cost for that year, the actual
10 miscellaneous income received for that year, and the
11 actual unspent balance from the preceding year.
12 Expenditures for executive administration are not
13 authorized expenditures under this chapter.

14 2. BUDGET AMENDMENTS. If actual miscellaneous
15 income for a budget year exceeds the anticipated
16 miscellaneous income in the certified budget for that
17 year, or if an unspent balance has not been previously
18 certified, a school district may amend its certified
19 budget.

20 Sec. 8. NEW SECTION. 257.8 STATE PERCENT OF
21 GROWTH --ALLOWABLE GROWTH.

22 1. CALCULATION BY DEPARTMENT OF MANAGEMENT. On or
23 before September 15, of each year, the department of
24 management shall compute a state percent of growth for
25 the next budget year.

26 2. BUDGET YEAR CALCULATION. For the budget year,
27 the state percent of growth is an average of the
28 following four percents of growth in paragraphs "a"
29 and "b" except as otherwise provided in subsection 3:
30 a. The difference in the percents of change in
31 receipts of state general fund revenues, computed or
32 estimated by the state revenue estimating conference
33 created in section 8.22A as follows:

34 (1) The percent of change between the revenues
35 received during the second year preceding the base
36 year and the revenues received during the year
37 preceding the base year.

38 (2) The percent of change between the revenues
39 received during the year preceding the base year and
40 the revenues received during the base year.

41 For the purpose of this lettered paragraph,
42 receipts of state general fund revenues do not include
43 one-time nonrecurring receipts or receipts that are
44 accounting transactions made to meet the requirements
45 of 1986 Iowa Acts, chapter 1238, section 59.

46 b. The difference in the gross national product
47 implicit price deflators, based to the extent possible
48 on the latest available values for these deflators,

49 published by the bureau of economic analysis, United
50 States department of commerce, computed or estimated

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1 as a percent of change as follows:

2 (1) From the value for the year ending December 31
3 eighteen months before the beginning of the base year
4 to the value for the year ending December 31 six
5 months before the beginning of the base year.

6 (2) From the value for the year ending December 31
7 six months before the beginning of the base year to
8 the value for the year ending December 31 in the base
9 year.

10 3. EXCEPTION. If the average of the percents
11 computed or estimated under paragraph "b" of
12 subsection 2 exceeds the average of the percents
13 computed or estimated under paragraph "a" of
14 subsection 2, the state percent of growth for that
15 budget year shall be the average of the two percents
16 of growth computed or estimated under paragraph "a".

17 4. NEGATIVE PERCENT. If the state percent of
18 growth computed for a budget year is negative, that
19 percent shall not be used and the state percent of
20 growth shall be zero.

21 5. RECOMPUTATION. On or before September 15 of
22 the base year, the department of management shall
23 recompute the state percent of growth for the previous
24 year using adjusted estimates and the actual figures
25 available. The difference between the recomputed
26 state percent of growth for the previous year and the
27 original computation shall be added to or subtracted
28 from the state percent of growth for the budget year.
29 However, on or before September 15, 1990, the
30 department of management shall recompute the state
31 percent of growth for the previous year in the manner
32 provided in section 442.7, Code 1989.

33 With regard to values of gross national product
34 implicit price deflators, the recomputation of the
35 state percent of growth for the previous year shall be
36 made only with respect to the value of the deflator
37 for the year which occurred subsequent to the
38 calculation of the state percent of growth for the
39 previous year. If subsection 3 is used in the
40 calculation of the state percent of growth for the
41 previous year, the calculation made in subsection 2,
42 paragraph "b", shall not be used in the recomputation
43 of the state percent of growth for the previous year.

44 6. ALLOWABLE GROWTH CALCULATION. The department
45 of management shall calculate the regular program

46 allowable growth for a budget year by multiplying the
 47 state percent of growth for the budget year by the
 48 regular program state cost per pupil for the base year
 49 and shall calculate the special education support
 50 services allowable growth for the budget year by

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1 multiplying the state percent of growth for the budget
 2 year by the special education support services state
 3 cost per pupil for the base year.

4 7. COMBINED ALLOWABLE GROWTH. The combined
 5 allowable growth per pupil for each school district is
 6 the sum of the regular program allowable growth per
 7 pupil and the special education support services
 8 allowable growth per pupil for the budget year, which
 9 may be modified as follows:

10 a. By the school budget review committee under
 11 section 257.22.

12 b. By the department of management under section
 13 257.38.

14 Sec. 9. NEW SECTION. 257.9 STATE COST PER PUPIL.

15 1. REGULAR PROGRAM STATE COST PER PUPIL FOR 1991-
 16 1992. For the budget year beginning July 1, 1991, for
 17 the regular program state cost per pupil, the
 18 department of management shall add together the state
 19 total of the district costs of all school districts
 20 for the base year, as district cost is defined in
 21 section 442.9, Code 1989, plus the total of the
 22 amounts added to the district cost of school districts
 23 pursuant to section 442.21, Code 1989, plus the amount
 24 included in the districts' budgets in the state for
 25 the fiscal year beginning July 1, 1986, for the
 26 additional portion of the livestock tax credit
 27 pursuant to section 442.2, subsection 2, as it
 28 appeared in the 1987 Code and plus the difference
 29 between the following amounts:

30 a. The general allocation of the school district
 31 as determined under section 405A.2, Code 1989.

32 b. The foundation property tax rate multiplied by
 33 the total actual value of all personal property
 34 assessed for valuation in the school district as of
 35 January 1, 1973, excluding livestock.

36 2. CALCULATION. The total calculated under
 37 subsection 1 shall be divided by the total enrollment
 38 of all school districts calculated separately for each
 39 using twenty percent of the basic enrollment for the
 40 budget year beginning July 1, 1981, and eighty percent
 41 of the higher of the basic enrollment for the budget
 42 year beginning July 1, 1989, or the basic enrollment

43 for the budget year beginning July 1, 1990, except as
44 otherwise provided in this subsection. For the
45 purpose of this subsection, "basic enrollment" means
46 basic enrollment as defined in section 442.4, Code
47 1989. The regular program state cost per pupil for
48 the budget year beginning July 1, 1991, is the amount
49 calculated by the department of management under this
50 subsection plus an allowable growth amount that is

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1 equal to the state percent of growth for the budget
2 year multiplied by the amount calculated by the
3 department of management under this subsection, plus
4 the total of twenty dollars times one hundred percent
5 plus the state percent of growth for the budget year
6 for the cost of providing programs for gifted and
7 talented pupils.

8 If the enrollment calculated in this subsection for
9 a school district is less than the basic enrollment
10 for the budget year for that school district, the
11 basic enrollment for the budget year for that school
12 district shall be used.

13 3. REGULAR PROGRAM STATE COST PER PUPIL FOR 1992-
14 1993. For the budget year beginning July 1, 1992, for
15 the regular program state cost per pupil, the
16 department of management shall add together the state
17 total of the district costs of all school districts
18 for the base year, calculated under section 257.10,
19 subsections 1 and 2, and divide that total by the
20 total enrollment of all school districts calculated
21 separately and totaled, using twenty percent of the
22 basic enrollment for the budget year beginning July 1,
23 1986, and eighty percent of the higher of the basic
24 enrollment for the base year or the basic enrollment
25 for the year preceding the base year, except as
26 otherwise provided in this section. The regular
27 program state cost per pupil for the budget year is
28 the amount calculated by the department of management
29 under this subsection plus an allowable growth amount
30 that is equal to the state percent of growth for the
31 budget year multiplied by the amount calculated by the
32 department of management under this subsection.

33 For the purposes of this subsection, basic
34 enrollment for the base year means basic enrollment as
35 defined in section 257.6 and basic enrollment for the
36 year preceding the base year means basic enrollment as
37 defined in section 442.4, Code 1989.

38 If the enrollment calculated in this subsection for
39 a school district is less than the basic enrollment

40 for the budget year for that school district, the
41 department of management shall use the basic
42 enrollment for the budget year for that school
43 district.
44 4. REGULAR PROGRAM STATE COST PER PUPIL FOR 1993-
45 1994. For the budget year beginning July 1, 1993, for
46 the regular program state cost per pupil, the
47 department of management shall add together the state
48 total of the district costs of all school districts
49 for the base year, calculated under section 257.10,
50 and divide that total by the total of the budget

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1 enrollments of all school districts for the budget
2 year beginning July 1, 1992, calculated under section
3 257.6, subsection 4, if section 257.6, subsection 4,
4 had been in effect for that budget year. The regular
5 program state cost per pupil for the budget year is
6 the amount calculated by the department of management
7 under this subsection plus an allowable growth amount
8 that is equal to the state percent of growth for the
9 budget year multiplied by the amount calculated by the
10 department of management under this subsection, and
11 minus thirteen dollars.
12 5. REGULAR PROGRAM STATE COST PER PUPIL FOR 1994-
13 1995 AND SUCCEEDING YEARS. For the budget year
14 beginning July 1, 1994, and succeeding budget years,
15 the regular program state cost per pupil for a budget
16 year is the regular program state cost per pupil for
17 the base year plus the regular program allowable
18 growth for the budget year.
19 6. SPECIAL EDUCATION SUPPORT SERVICES STATE COST
20 PER PUPIL FOR 1991-1992. For the budget year
21 beginning July 1, 1991, for the special education
22 support services state cost per pupil, the department
23 of management shall divide the total of the approved
24 budgets of the area education agencies for special
25 education support services for that year approved by
26 the state board of education under section 273.3,
27 subsection 12, by the total of the weighted enrollment
28 for special education support services in the state
29 for the budget year. The special education support
30 services state cost per pupil for the budget year is
31 the amount calculated by the department of management
32 under this subsection.
33 7. SPECIAL EDUCATION SUPPORT SERVICES STATE COST
34 PER PUPIL FOR 1992-1993. For the budget year
35 beginning July 1, 1992, for the special education
36 support services state cost per pupil, the department

37 of management shall divide the total of the approved
38 budgets of the area education agencies for special
39 education support services for that year approved by
40 the state board of education under section 273.3,
41 subsection 12, by the total of the weighted enrollment
42 for special education support services in the state
43 for the budget year. The special education support
44 services state cost per pupil for the budget year is
45 the amount calculated by the department of management
46 under this subsection.
47 8. SPECIAL EDUCATION SUPPORT SERVICES STATE COST
48 PER PUPIL FOR 1993-1994. For the budget year
49 beginning July 1, 1993, for the special education
50 support services state cost per pupil, the department

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1 of management shall divide the total of the approved
2 budgets of the area education agencies for special
3 education support services for that year approved by
4 the state board of education under section 273.3,
5 subsection 12, by the total of the weighted enrollment
6 for special education support services in the state
7 for the budget year. The special education support
8 services state cost per pupil for the budget year is
9 the amount calculated by the department of management
10 under this subsection.
11 9. SPECIAL EDUCATION SUPPORT SERVICES STATE COST
12 PER PUPIL FOR 1994-1995 AND SUCCEEDING YEARS. For the
13 budget year beginning July 1, 1994, and succeeding
14 budget years, the special education support services
15 state cost per pupil for the budget year is the
16 special education support services state cost per
17 pupil for the base year plus the special education
18 support services allowable growth for the budget year.
19 10. COMBINED STATE COST PER PUPIL. The combined
20 state cost per pupil is the sum of the regular program
21 state cost per pupil and the special education support
22 services state cost per pupil.
23 Sec. 10. NEW SECTION. 257.10 DISTRICT COST PER
24 PUPIL -- DISTRICT COST.
25 1. REGULAR PROGRAM DISTRICT COST PER PUPIL FOR
26 1991-1992. For the budget year beginning July 1,
27 1991, in order to determine the regular program
28 district cost per pupil, the department of management
29 shall divide the regular program district cost for the
30 base year, as defined in section 442.9, Code 1989,
31 plus the amount added to district cost pursuant to
32 section 442.21, Code 1989, for each school district,
33 by the enrollment of the school district calculated
34 using twenty percent of the basic enrollment for the

35 budget year beginning July 1, 1981, and eighty percent
36 of the higher of the basic enrollment for the budget
37 year beginning July 1, 1989, or the basic enrollment
38 for the budget year beginning July 1, 1990, except as
39 otherwise provided in this subsection. Basic
40 enrollment means basic enrollment as defined in
41 section 442.4, Code 1989.

42 If the enrollment calculated in this subsection for
43 a school district is less than the basic enrollment
44 for the budget year for that school district, the
45 basic enrollment for the budget year shall be used for
46 that school district instead.

47 The regular program district cost per pupil for the
48 budget year beginning July 1, 1991, is the amount
49 calculated by the department of management under this
50 subsection plus the allowable growth amount calculated

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1 for regular program state cost per pupil under section
2 257.9, subsection 2, except that if the regular
3 program district cost per pupil for the budget year
4 calculated under this subsection in any school
5 district exceeds one hundred ten percent of the
6 regular program state cost per pupil for the budget
7 year minus the total of twenty dollars times one
8 hundred percent plus the state percent of growth for
9 the budget year, the department of management shall
10 reduce the regular program district cost of that
11 district to an amount equal to that one hundred ten
12 percent amount and shall add to that amount the total
13 of twenty dollars times one hundred percent plus the
14 state percent of growth for the budget year for the
15 cost of providing programs for gifted and talented
16 pupils.

17 **2. REGULAR PROGRAM DISTRICT COST PER PUPIL FOR**
18 **1992-1993.** For the budget year beginning July 1,
19 1992, in order to determine the regular program
20 district cost per pupil, the department of management
21 shall divide the regular program district cost for the
22 base year by the enrollment of the school district,
23 calculated using twenty percent of the basic
24 enrollment for the budget year beginning July 1, 1986,
25 and eighty percent of the higher of the basic
26 enrollment for the base year or the basic enrollment
27 for the year preceding the base year, except as
28 otherwise provided in this section. The regular
29 program district cost per pupil for the budget year
30 beginning July 1, 1992, is the amount calculated by
31 the department of management under this subsection

32 plus the allowable growth amount calculated for
33 regular program state cost per pupil under section
34 257.9, subsection 3, except that if the regular
35 program district cost per pupil for the budget year
36 calculated under this subsection in any school
37 district exceeds one hundred ten percent of the
38 regular program state cost per pupil for the budget
39 year, the department of management shall reduce the
40 regular program district cost of that district to an
41 amount equal to one hundred ten percent of the state
42 cost per pupil.

43 For the purposes of this subsection, basic
44 enrollment for the base year means basic enrollment as
45 defined in section 257.6 and basic enrollment for the
46 year preceding the base year means basic enrollment as
47 defined in section 442.4, Code 1989.

48 If the enrollment calculated in this subsection for
49 a school district is less than the basic enrollment of
50 the budget year for that school district, the

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1 department of management shall use the basic
2 enrollment for the budget year for that school
3 district instead.

4 **3. REGULAR PROGRAM DISTRICT COST PER PUPIL FOR**
5 **1993-1994.** For the budget year beginning July 1,
6 1993, the regular program district cost per pupil is
7 the regular program state cost per pupil for that
8 budget year calculated under section 257.9, subsection
9 4.

10 **4. REGULAR PROGRAM DISTRICT COST PER PUPIL FOR**
11 **1994-1995 AND SUCCEEDING YEARS.** For the budget year
12 beginning July 1, 1994, and succeeding budget years,
13 the regular program district cost per pupil for each
14 school district for a budget year is the regular
15 program district cost per pupil for the base year plus
16 the regular program allowable growth for the budget
17 year.

18 **5. SPECIAL EDUCATION SUPPORT SERVICES DISTRICT**
19 **COST PER PUPIL FOR 1991-1992.** For the budget year
20 beginning July 1, 1991, for the special education
21 support services district cost per pupil, the
22 department of management shall divide the approved
23 budget of each area education agency for special
24 education support services for that year approved by
25 the state board of education, under section 273.3,
26 subsection 12, by the total of the weighted enrollment
27 for special education support services in the area for
28 that budget year.

29 The special education support services district
 30 cost per pupil for each school district in an area for
 31 the budget year is the amount calculated by the
 32 department of management under this subsection.
 33 6. SPECIAL EDUCATION SUPPORT SERVICES DISTRICT
 34 COST PER PUPIL FOR 1992-1993. For the budget year
 35 beginning July 1, 1992, for the special education
 36 support services district cost per pupil, the
 37 department of management shall divide the approved
 38 budget of each area education agency for special
 39 education support services for that year approved by
 40 the state board of education under section 273.3,
 41 subsection 12, by the total of the weighted enrollment
 42 for special education support services in the area for
 43 the budget year.
 44 The special education support services district
 45 cost per pupil for each school district in an area for
 46 the budget year is the amount calculated by the
 47 department of management under this subsection.
 48 7. SPECIAL EDUCATION SUPPORT SERVICES DISTRICT
 49 COST PER PUPIL FOR 1993-1994. For the budget year
 50 beginning July 1, 1993, for the special education

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1 support services district cost per pupil, the
 2 department of management shall divide the approved
 3 budget of each area education agency for special
 4 education support services for that year approved by
 5 the state board of education under section 273.3,
 6 subsection 12, by the total of the weighted enrollment
 7 for special education support services in the area for
 8 the budget year.
 9 The special education support services district
 10 cost per pupil for each school district in an area for
 11 the budget year is the amount calculated by the
 12 department of management under this subsection.
 13 8. SPECIAL EDUCATION SUPPORT SERVICES DISTRICT
 14 COST PER PUPIL FOR 1994-1995 AND SUCCEEDING YEARS.
 15 For the budget year beginning July 1, 1994, and
 16 succeeding budget years, the special education support
 17 services district cost per pupil for the budget year
 18 is the special education support services district
 19 cost per pupil for the base year plus the special
 20 education support services allowable growth for the
 21 budget year.
 22 9. COMBINED DISTRICT COST PER PUPIL. The combined
 23 district cost per pupil for a school district is the
 24 sum of the regular program district cost per pupil and
 25 the special education support services district cost

26 per pupil. Combined district cost per pupil does not
 27 include additional allowable growth added for school
 28 districts that have a negative balance of funds raised
 29 for special education instruction programs under
 30 section 257.29, additional allowable growth granted by
 31 the school budget review committee for a single school
 32 year, or additional allowable growth added for
 33 programs for dropout prevention.

34 10. REGULAR PROGRAM DISTRICT COST. Regular
 35 program district cost for a school district for a
 36 budget year is equal to the regular program district
 37 cost per pupil for the budget year multiplied by the
 38 weighted enrollment for the budget year.

39 11. SPECIAL EDUCATION SUPPORT SERVICES DISTRICT
 40 COST. Special education support services district
 41 cost for a school district for a budget year is equal
 42 to the special education support services district
 43 cost per pupil for the budget year multiplied by the
 44 special education support services weighted enrollment
 45 for the district for the budget year. If the special
 46 education support services district cost for a school
 47 district for a budget year is less than the special
 48 education support services district cost for that
 49 district for the base year, the department of
 50 management shall adjust the special education support

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1 services district cost for that district for the
 2 budget year to equal the special education support
 3 services district cost for the base year.

4 12. COMBINED DISTRICT COST. Combined district
 5 cost is the sum of the regular program district cost
 6 and the special education support services district
 7 cost, plus the additional district cost allocated to
 8 the district under section 257.34 to fund media
 9 services and educational services provided through the
 10 area education agency.

11 A school district may increase its district cost
 12 for the budget year to the extent that an excess tax
 13 levy is authorized by the school budget review
 14 committee under section 257.29.

15 Sec. 11. NEW SECTION. 257.11 SUPPLEMENTARY
 16 WEIGHTING PLAN.

17 For the budget years beginning July 1, 1991, and
 18 July 1, 1992, in order to provide additional funds for
 19 school districts which send their resident pupils to
 20 another school district or to an area school for
 21 classes, which jointly employ and share the services
 22 of teachers under section 280.15, which use the

23 services of a teacher employed by another school
24 district, or which jointly employ and share the
25 services of school administrators under section
26 280.15, a supplementary weighting plan for determining
27 enrollment is adopted as follows:

28 1. REGULAR CURRICULUM. Pupils in a regular
29 curriculum attending all their classes in the district
30 in which they reside, taught by teachers employed by
31 that district, and having administrators employed by
32 that district, are assigned a weighting of one.

33 2. SHARED CLASSES OR TEACHERS. If the school
34 budget review committee certifies to the department of
35 management that the shared classes or teachers would
36 otherwise not be implemented without the assignment of
37 additional weighting, pupils attending classes in
38 another school district or an area school, attending
39 classes taught by a teacher who is employed jointly
40 under section 280.15, or attending classes taught by a
41 teacher who is employed by another school district,
42 are assigned a weighting of one plus an additional
43 portion of one times the percent of the pupil's school
44 day during which the pupil attends classes in another
45 district or area school, attends classes taught by a
46 teacher who is jointly employed under section 280.15,
47 or attends classes taught by a teacher who is employed
48 by another school district.

49 3. WHOLE GRADE SHARING. In districts that have
50 executed whole grade sharing agreements under section

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1 282.10 through 282.12, the school budget review
2 committee shall assign an additional weighting equal
3 to one plus an additional portion of one times the
4 percent of the pupil's school day in which a pupil
5 attends classes in another district or an area school,
6 attends classes taught by a teacher who is employed
7 jointly under section 280.15, or attends classes
8 taught by a teacher who is employed by another
9 district.

10 4. PUPILS INELIGIBLE. A pupil eligible for the
11 weighting plan provided in section 281.9 is not
12 eligible for the weighting plan provided in this
13 section.

14 5. SHARED SUPERINTENDENTS. Pupils enrolled in a
15 school district in which the superintendent is
16 employed jointly under section 280.15, or is employed
17 under section 273.7A, are assigned a weighting of one
18 plus an additional portion of one for each
19 administrator who is jointly employed times the

20 percent of the administrator's time in which the
21 administrator is employed in the school district.
22 However, the total additional weighting assigned under
23 this subsection for a budget year for a school
24 district shall not exceed seven and one-half and the
25 total additional weighting added cumulatively to the
26 enrollment of a school district sharing an
27 administrator shall not exceed twelve and one-half.

28 6. CALCULATION OF WEIGHTS. The school budget
29 review committee shall calculate the weights to be
30 used under subsections 2 and 3 to the nearest one-
31 hundredth of one and under subsection 5 to the next
32 highest one-hundredth of one so that, to the extent
33 possible, the moneys generated by the weighting will
34 be equivalent to the moneys generated by the one-
35 tenth, five-tenths, and twenty-five-thousands
36 weighting provided in section 442.39, Code 1989.

37 Sec. 12. NEW SECTION. 257.12 SUPPLEMENTARY
38 WEIGHTING AND SCHOOL REORGANIZATION.
39 A reorganized school district in which additional
40 pupils were added under section 442.39A, Code 1989,
41 shall continue to have additional pupils added,
42 subject to changes in weighting made under this
43 chapter until the expiration of the five-year period
44 provided in that section.

45 Sec. 13. NEW SECTION. 257.13 ADVANCE FOR
46 INCREASING ENROLLMENT.
47 If a district's actual enrollment for the budget
48 year, determined under section 257.6, is greater than
49 its budget enrollment for the budget year, the
50 district is granted an advance from the state of an

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1 amount equal to its regular program district cost per
2 pupil for the budget year multiplied by the difference
3 between the actual enrollment for the budget year and
4 the budget enrollment for the budget year. The
5 advance is miscellaneous income.

6 If a district receives an advance under this
7 section for a budget year, the department of
8 management shall determine the amount of the advance
9 which would have been generated by local property tax
10 revenues if the actual enrollment for the budget year
11 had been used in determining district cost for that
12 budget year, shall reduce the district's total state
13 school aids otherwise available under this chapter for
14 the next following budget year by the amount so
15 determined, and shall increase the district's
16 additional property tax levy for the next following

17 budget year by the amount necessary to compensate for
 18 the reduction in state aid, so that the local property
 19 tax for the next following year will be increased only
 20 by the amount which it would have been increased in
 21 the budget year if the enrollment calculated in this
 22 section could have been used to establish the levy.

23 There is appropriated each fiscal year from the
 24 general fund of the state to the department of
 25 education the amount required to pay advances
 26 authorized under this section, which shall be paid to
 27 school districts in the same manner as other state
 28 aids are paid under section 257.16.

29 Sec. 14. NEW SECTION. 257.14 BUDGET ADJUSTMENT.

30 For the budget years beginning July 1, 1991, July
 31 1, 1992, and July 1, 1993, if the department of
 32 management determines that the regular program
 33 district cost of a school district for a budget year
 34 is less than the total of the regular program district
 35 cost plus any adjustment added under this section for
 36 the base year for that school district, the department
 37 of management shall provide a budget adjustment for
 38 that district for that budget year that is equal to
 39 the difference.

40 For the budget year beginning July 1, 1991, the
 41 department of management shall use the regular program
 42 district cost for that budget year of a school
 43 district calculated pursuant to chapter 442, Code
 44 1989, plus the amount added to district cost pursuant
 45 to section 442.21, Code 1989, as the district's base
 46 year regular program district cost. For the budget
 47 year beginning July 1, 1991, in calculating the
 48 district's regular program district cost, the
 49 department of management shall subtract from the
 50 district's district cost per pupil the amount added

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1 under section 257.10, subsection 1, for a program for
 2 gifted and talented pupils.

3 Sec. 15. NEW SECTION. 257.15 PROPERTY TAX
 4 ADJUSTMENT.

5 1. PROPERTY TAX ADJUSTMENTS FOR 1991-1992, 1992-
 6 1993, AND 1993-1994. For each of the budget years
 7 beginning July 1, 1991, July 1, 1992, and July 1,
 8 1993, the department of management shall calculate for
 9 each district the difference between the sum of the
 10 revenues generated by the foundation property tax and
 11 the additional property tax in the district calculated
 12 under this chapter and the revenues that would have
 13 been generated by the foundation property tax and the

14 additional property tax in that district for that
15 budget year calculated under chapter 442, Code 1989,
16 if chapter 442 were in effect, except that the
17 revenues that would have been generated by the
18 additional property tax levy under chapter 442 shall
19 not include revenues generated for gifted and talented
20 children programs and for the school improvement
21 program. If the property tax revenues for a district
22 calculated under this chapter, excluding the amount
23 generated pursuant to section 257.20, exceed the
24 property tax revenues for that district calculated
25 under chapter 442, Code 1989, the department of
26 management shall reduce the revenues raised by the
27 additional property tax levy in that district under
28 this chapter by that difference and the department of
29 education shall pay property tax adjustment aid to the
30 district equal to that difference.

31 2. PROPERTY TAX ADJUSTMENT AID FOR 1994-1995 AND
32 SUCCEEDING YEARS. For the budget year beginning July
33 1, 1994, and succeeding budget years, the department
34 of education shall pay property tax adjustment aid to
35 a school district equal to the amount paid to the
36 district for the base year less an amount equal to the
37 product of the percent by which the taxable valuation
38 in the district increased, if the taxable valuation
39 increased, from January 1 of the year prior to the
40 base year to January 1 of the base year and the
41 property tax adjustment aid. The department of
42 management shall adjust the rate of the additional
43 property tax accordingly and notify the department of
44 education of the amount of aid to be paid to each
45 district.

46 3. PROPERTY TAX ADJUSTMENT AID APPROPRIATION.
47 There is appropriated from the general fund of the
48 state to the department of education, for each fiscal
49 year, an amount necessary to pay property tax
50 adjustment aid to school districts under this section.

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1 Property tax adjustment aid shall be paid to school
2 districts in the manner provided in section 257.16 for
3 foundation aid.

4 Sec. 16. NEW SECTION. 257.16 APPROPRIATIONS.

5 There is appropriated each year from the general
6 fund of the state an amount necessary to pay the
7 foundation aid.

8 All state aids paid under this chapter, unless
9 otherwise stated, shall be paid in monthly
10 installments beginning on September 15 of a budget

11 year and ending on June 15 of the budget year and the
 12 installments shall be as nearly equal as possible as
 13 determined by the department of management, taking
 14 into consideration the relative budget and cash
 15 position of the state resources. However, the state
 16 aid paid to school districts under section 257.13
 17 shall be paid in monthly installments beginning on
 18 December 15 and ending on June 15 of a budget year.

19 All moneys received by a school district from the
 20 state under this chapter shall be deposited in the
 21 general fund of the school district, and may be used
 22 for any school general fund purpose.

23 Sec. 17. NEW SECTION. 257.17 AID REDUCTION FOR
 24 EARLY SCHOOL STARTS.

25 State aid payments made pursuant to section 257.16
 26 for a fiscal year shall be reduced by one one-hundred-
 27 eightieth for each day of that fiscal year for which
 28 the school district begins school before the earliest
 29 starting date specified in section 279.10, subsection
 30 1. However, this section does not apply to a school
 31 district that has received approval from the director
 32 of the department of education under section 279.10,
 33 subsection 4, to commence classes for regularly
 34 established elementary and secondary schools in
 35 advance of the starting date established in section
 36 279.10, subsection 1.

37 Sec. 18. NEW SECTION. 257.18 SIZE ADJUSTMENT
 38 PAYMENT.

39 Annually the department of education shall pay to
 40 each school district in which the basic enrollment for
 41 the budget year is five hundred or fewer, and to each
 42 area education agency in which there are fewer than an
 43 average of three and one-half public school pupils per
 44 square mile, a size adjustment payment. School
 45 districts are eligible to receive the size adjustment
 46 payment only if the expenditures for executive
 47 administration of the school district as a percent of
 48 the district's operating fund for the base year are
 49 equal to or less than one hundred ten percent of the
 50 average of the base year expenditures for executive

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1 administration of all school districts as a percent of
 2 their operating funds. The size adjustment payment
 3 for school districts is an amount determined by
 4 multiplying the size adjustment percent by an amount
 5 equal to the state cost per pupil multiplied by the
 6 basic enrollment of the district for the budget year.
 7 The size adjustment percent is the square of the

8 difference between five hundred and the district's
9 basic enrollment for the budget year, divided by eight
10 hundred. The size adjustment payment for area
11 education agencies is forty dollars multiplied by the
12 enrollment served in the area education agency.
13 There is appropriated from the general fund of the
14 state to the department of education for each fiscal
15 year the sum of seven million dollars, or so much
16 thereof as is necessary, to pay the size adjustment
17 payments to school districts and area education
18 agencies in the amounts calculated under this section.
19 Size adjustment payments are miscellaneous income. If
20 the amount appropriated is insufficient to pay the
21 size adjustment payments to school districts and area
22 education agencies in full, the department of
23 education shall prorate the amounts of the payments.
24 If any amount of the appropriation is left at the
25 end of a fiscal year, the department shall distribute
26 it pro rata to school districts with classes, in
27 grades kindergarten through sixth grade, which exceed
28 twenty-five students in size, to assist those
29 districts to reduce the size of those classes. The
30 moneys shall be distributed to each such district in
31 the proportion that the district's number of students
32 in classes, in grades kindergarten through sixth
33 grade, which exceed twenty-five students in size is to
34 the total number of students in such classes in all
35 districts.
36 The department of education shall submit
37 recommendations to the general assembly meeting in
38 1993 for fully funding the size adjustment.
39 Sec. 19. NEW SECTION. 257.19 EDUCATIONAL
40 IMPROVEMENT PROGRAM.
41 The board of directors of a school district in
42 which the district cost per pupil is one hundred ten
43 percent of the state cost per pupil for a budget year
44 may hold a hearing and call an election in the manner
45 provided for approval of the instructional support
46 program in section 257.20. The proposition voted upon
47 at the election is whether the school district shall
48 establish an educational improvement program to
49 provide additional revenues each fiscal year equal to
50 a specified percent of the district cost of the

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1 district. If a majority of those voting on the
2 proposition approves it, annually the board shall
3 certify the amount to be raised under the educational
4 improvement program to the department of management.

5 The educational improvement program shall be funded
6 by a combination of an educational improvement
7 property tax and an educational improvement income
8 surtax. The combination of the educational
9 improvement property tax and the educational
10 improvement income surtax shall be imposed in the
11 proportion of a property tax of twenty-seven cents per
12 thousand dollars of assessed valuation of taxable
13 property in the district for each five percent of
14 income surtax. However, if the amount of revenue to
15 be raised for the educational improvement program is
16 greater than the amount that could be financed by a
17 property tax of fifty-four cents per thousand dollars
18 of assessed valuation of taxable property in the
19 district and ten percent of income surtax, the portion
20 in excess of those rates shall be financed by property
21 tax. The department of management shall establish the
22 amount of the educational improvement property tax to
23 be levied and the amount of the school district income
24 surtax to be imposed for each school year that the
25 educational improvement amount is authorized.

26 Once approved at an election, the authority of the
27 board to use the educational improvement program shall
28 continue until the board votes to rescind the
29 educational improvement program or the voters of the
30 school district by majority vote order the
31 discontinuance of the program. The board shall call
32 an election to vote on the proposition whether to
33 discontinue the program upon the receipt of a petition
34 signed by at least ten percent of the number of
35 electors voting at the last preceding school election.

36 The educational improvement property tax and
37 educational improvement income surtax shall be levied
38 and imposed in the same manner as provided for the
39 instructional support program in sections 257.20
40 through 257.26. Moneys received under the educational
41 improvement program are miscellaneous income.

42 Sec. 20. NEW SECTION. 257.20 INSTRUCTIONAL
43 SUPPORT PROGRAM.

44 For the budget year beginning July 1, 1991, and
45 succeeding budget years, the board of directors may
46 call an election to vote on the proposition whether to
47 provide additional funding for an instructional
48 support program for a period not exceeding five years.
49 Prior to calling the election, the board shall hold a
50 public hearing on the question. The additional

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1 funding for the program is limited to an amount not
2 exceeding ten percent of the total of regular program
3 district cost and moneys received under section 257.14
4 as a budget adjustment for the budget year. Moneys
5 received by a district for the instructional support
6 program are miscellaneous income and may be used for
7 any general fund purpose.

8 The board of directors shall direct the county
9 commissioner of elections to submit the question of
10 whether to participate in the instructional support
11 program to the qualified electors residing in the
12 district at a regular school election or special
13 election held not later than December 1. If a
14 majority of those voting on the question favors
15 participating in the instructional support program,
16 the board may certify the budget for the program to
17 the department of management for each of the next five
18 years.

19 If the voters do not approve participation in the
20 instructional support program, the school district's
21 authority to receive additional funding for the
22 program ends on June 30 of the next following budget
23 year.

24 After approval at an election, certification of a
25 board's intent to participate in the instructional
26 support program for a budget year and the method of
27 funding shall be made to the department of management
28 not later than March 15 of the base year. Funding for
29 the instructional support program shall be obtained
30 from instructional support state aid, and from either
31 an instructional support property tax or a combination
32 of an instructional support property tax and an
33 instructional support income surtax, as determined by
34 the board. The department of management shall
35 calculate the amount to be raised for the
36 instructional support program and the amount of
37 instructional support state aid in the manner provided
38 in this section.

39 In order to determine the amount to be raised by
40 the instructional support property tax, or by the
41 combination of the instructional support property tax
42 and the instructional support income surtax for a
43 district, the department of management shall divide
44 the total assessed valuation in the state by the total
45 budget enrollment for the budget year in the state to
46 determine a state assessed valuation per pupil and
47 shall divide the assessed valuation in each district
48 by the district's budget enrollment for the budget

49 year to determine the district valuation per pupil.
 50 The department of management shall multiply the ratio

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1 of the state's valuation per pupil to the district's
 2 valuation per pupil by twenty-five hundredths and
 3 subtract that result from one to determine the portion
 4 of the instructional support budget that is funded by
 5 the instructional support property tax or the
 6 combination of the instructional support property tax
 7 and the instructional support income surtax. The
 8 remainder of the budget of the instructional support
 9 program shall be funded by instructional support state
 10 aid.

11 If a school district has approved the use of the
 12 instructional support program at an election, the
 13 district cannot also collect moneys under the
 14 additional enrichment amount approved by the voters
 15 under chapter 442 for that budget year.

16 There is appropriated for each fiscal year from the
 17 general fund of the state to the department of
 18 education, an amount necessary to pay instructional
 19 support state aid as provided in this section.
 20 Instructional support state aid shall be paid at the
 21 same time and in the same manner as foundation aid is
 22 paid under section 257.16.

23 The instructional support property tax shall be
 24 levied in the manner provided for the additional
 25 property tax under section 257.4. If an income surtax
 26 is used in combination with the instructional support
 27 property tax, the instructional support income surtax
 28 shall be imposed as provided in sections 257.21
 29 through 257.26.

30 The combination of the instructional support
 31 property tax and instructional support income surtax
 32 shall be imposed in the proportion of a property tax
 33 of twenty-seven cents per thousand dollars of assessed
 34 valuation of taxable property in the district for each
 35 five percent of income surtax, not exceeding a
 36 property tax of one dollar and eight cents per
 37 thousand dollars of assessed valuation and twenty
 38 percent of income surtax.

39 **Sec. 21. NEW SECTION. 257.21 COMPUTATION OF**
 40 **INSTRUCTIONAL SUPPORT AMOUNT.**

41 If an instructional support income surtax is used
 42 in combination with the instructional support property
 43 tax, the department of management shall establish the
 44 amount of instructional support property tax to be
 45 levied and the amount of instructional support income
 46 surtax to be imposed for each school year for which
 47 the instructional support amount is authorized. The
 48 department of management shall determine these amounts

49 based upon the most recent figures available for the
50 district's valuation of taxable property, individual

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1 state income tax, state corporate income tax, and the
2 state franchise tax paid, and budget enrollment in the
3 district, and shall certify to the district's county
4 auditor the amount of instructional support property
5 tax, and to the director of revenue and finance the
6 amount of instructional support income surtax to be
7 imposed if an income surtax is used.

8 The instructional support income surtax shall be
9 imposed on the state individual income tax, the state
10 corporate income tax, and the state franchise tax for
11 the calendar year during which the school's budget
12 year begins, or for a taxpayer's fiscal year ending
13 during the second half of that calendar year or the
14 first half of the succeeding calendar year, and shall
15 be imposed on the last day of the applicable tax year
16 on all individuals residing in the school district, on
17 all corporations whose main office is located within
18 the district, and on all financial institutions with
19 an office located within the district. As used in
20 this section, "state individual income tax" means the
21 tax computed under section 422.5, less the deductions
22 allowed in sections 422.10, 422.11 and 422.12, "state
23 corporate income tax" means the tax computed under
24 section 422.33, and "state franchise tax" means the
25 tax computed under section 422.63. However, if the
26 resident has a child that under open enrollment is
27 attending school in another district and that district
28 has imposed an income surtax, and the resident's child
29 does not meet the economic eligibility requirements
30 under the federal National School Lunch and Child
31 Nutrition Acts, 42 U.S.C. § 1751-1785, for free or
32 reduced price lunches, the resident is liable for the
33 income surtax imposed by the other school district and
34 all surtax paid shall be credited to the account of
35 that district. The resident shall receive a credit
36 for the income surtax paid in the other school
37 district for the income surtax imposed in the
38 resident's school district. The amount of excess
39 credit is not refundable.

40 Sec. 22. NEW SECTION. 257.22 STATUTES
41 APPLICABLE.

42 The director of revenue and finance shall
43 administer the instructional support income surtax
44 imposed under this chapter, and sections 422.20,
45 422.22 to 422.41, 422.60 to 422.63, 422.68, and 422.72

46 to 422.75 shall apply in respect to administration of
47 the instructional support income surtax.
48 Sec. 23. NEW SECTION. 257.23 FORM AND TIME OF
49 RETURN.
50 The instructional support income surtax shall be

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1 made a part of the Iowa individual income tax,
2 corporate income tax, and franchise tax returns
3 subject to the conditions and restrictions set forth
4 in section 422.21.
5 Sec. 24. NEW SECTION. 257.24 DEPOSIT OF
6 INSTRUCTIONAL SUPPORT INCOME SURTAX.
7 The director of revenue and finance shall deposit
8 all moneys received as instructional support income
9 surtax to the credit of each district from which the
10 moneys are received, in an "instructional support
11 income surtax fund" which is established in the office
12 of the treasurer of state.
13 The director of revenue and finance shall deposit
14 all instructional support income surtax moneys
15 received on or before November 1 of the year following
16 the close of the school budget year for which the
17 surtax is imposed to the credit of each district from
18 which the moneys are received in the instructional
19 support income surtax fund. All instructional support
20 income surtax moneys received or refunded after
21 November 1 of the year following the close of the
22 school budget year for which the surtax is imposed
23 shall be deposited in or withdrawn from the general
24 fund of the state and shall be considered part of the
25 cost of administering the instructional support income
26 surtax.
27 Sec. 25. NEW SECTION. 257.25 INSTRUCTIONAL
28 SUPPORT INCOME SURTAX CERTIFICATION.
29 On or before October 20 each year, the director of
30 revenue and finance shall make an accounting of the
31 instructional support income surtax collected under
32 this chapter applicable to tax returns for the last
33 preceding calendar year, or for fiscal year taxpayers,
34 on the last day of their tax year ending during that
35 calendar year and after the date of the election
36 approving the surtax, from taxpayers in each school
37 district in the state which has approved the
38 instructional support program, and which is using an
39 instructional support income surtax in combination
40 with an instructional support property tax. The
41 director of the department of revenue and finance
42 shall certify to the department of management and the

43 department of education the amount of instructional
44 support income surtax credited from the taxpayers of
45 each applicable school district. Additional returns
46 in process, if any, at the time of certification shall
47 be completed and the additional amount of
48 instructional support income surtax reported to the
49 department of management for distribution back to the
50 school district with the first installment of the

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1 following school year.

2 Sec. 26. NEW SECTION. 257.26 INSTRUCTIONAL
3 SUPPORT INCOME SURTAX DISTRIBUTION.

4 The director of revenue and finance shall draw
5 warrants in payment of the amount of surtax payable to
6 each of the school districts using the instructional
7 support income surtax in two installments to be paid
8 on approximately the first day of December and the
9 first day of February, and shall cause the warrants to
10 be delivered to the respective school districts.

11 Sec. 27. NEW SECTION. 257.27 CONTINUATION OF
12 INSTRUCTIONAL SUPPORT PROGRAM.

13 At the expiration of the five-year period for which
14 the approval at the election was given, the board may
15 reestablish its participation in the program in the
16 manner provided for initial approval.

17 Sec. 28. NEW SECTION. 257.28 SCHOOL BUDGET
18 REVIEW COMMITTEE.

19 A school budget review committee is established in
20 the department of education and consists of the
21 director of the department of education, the director
22 of the department of management, and three members
23 appointed by the governor to represent the public and
24 to serve three-year staggered terms beginning and
25 ending as provided in section 69.19. The three
26 members appointed by the governor are subject to
27 senate confirmation as provided in section 2.32. The
28 committee shall meet and hold hearings each year and
29 shall continue in session until it has reviewed
30 budgets of school districts, as provided in section
31 257.29. It may call in school board members and
32 employees as necessary for the hearings. Members of
33 the general assembly shall be notified of hearings
34 concerning school districts in their constituencies.

35 The committee shall adopt its own rules of
36 procedure under chapter 17A. The director of the
37 department of education shall serve as chairperson,
38 and the director of the department of management shall
39 serve as secretary. The committee members

40 representing the public are entitled to receive their
 41 necessary expenses while engaged in their official
 42 duties. Members may also be eligible to receive
 43 compensation as provided in section 7E.6. Expense
 44 payments shall be made from appropriations to the
 45 department of education.

46 Sec. 29. NEW SECTION. 257.29 DUTIES OF THE
 47 COMMITTEE.

48 1. The school budget review committee may
 49 recommend the revision of any rules, regulations,
 50 directives, or forms relating to school district

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1 budgeting and accounting, confer with local school
 2 boards or their representatives and make
 3 recommendations relating to any budgeting or
 4 accounting matters, and direct the director of the
 5 department of education or the director of the
 6 department of management to make studies and
 7 investigations of school costs in any school district.

8 2. The committee shall report to each session of
 9 the general assembly, which report shall include any
 10 recommended changes in laws relating to school
 11 districts, and shall specify the number of hearings
 12 held annually, the reasons for the committee's
 13 recommendations, information about the amounts of
 14 property tax levied by school districts for a cash
 15 reserve, and other information the committee deems
 16 advisable.

17 3. The committee shall review the proposed budget
 18 and certified budget of each school district, and may
 19 make recommendations. The committee may make
 20 decisions affecting budgets to the extent provided in
 21 this chapter. The costs and computations referred to
 22 in this section relate to the budget year unless
 23 otherwise expressly stated.

24 4. Not later than January 1, 1992, the committee
 25 shall adopt recommendations relating to the
 26 implementation by school districts and area education
 27 agencies of procedures pertaining to the preparation
 28 of financial reports in conformity with generally
 29 accepted accounting principles and submit those
 30 recommendations to the state board of education. The
 31 state board shall consider the recommendations and
 32 adopt rules under section 256.7 specifying procedures
 33 and requiring the school districts and area education
 34 agencies to conform to generally accepted accounting
 35 principles commencing with the school year beginning
 36 July 1, 1996.

37 5. If a district has unusual circumstances,
38 creating an unusual need for additional funds,
39 including but not limited to the following
40 circumstances, the committee may grant supplemental
41 aid to the district from any funds appropriated to the
42 department of education for the use of the school
43 budget review committee for this purpose, and such aid
44 shall be miscellaneous income and shall not be
45 included in district cost or may establish a modified
46 allowable growth for the district by increasing its
47 allowable growth; or both:
48 a. Any unusual increase or decrease in enrollment.
49 b. Unusual natural disasters.
50 c. Unusual initial staffing problems.

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1 d. The closing of a nonpublic school, wholly or in
2 part.
3 e. Substantial reduction in miscellaneous income
4 due to circumstances beyond the control of the
5 district.
6 f. Unusual necessity for additional funds to
7 permit continuance of a course or program which
8 provides substantial benefit to pupils.
9 g. Unusual need for a new course or program which
10 will provide substantial benefit to pupils, if the
11 district establishes such need and the amount of
12 necessary increased cost.
13 h. Unusual need for additional funds for special
14 education or compensatory education programs.
15 i. Year-round or substantially year-round
16 attendance programs which apply toward graduation
17 requirements, including but not limited to trimester
18 or four-quarter programs. Enrollment in such programs
19 shall be adjusted to reflect equivalency to normal
20 school year attendance.
21 j. Unusual need to continue providing a program or
22 other special assistance to non-English-speaking
23 pupils after the expiration of the three-year period
24 specified in section 280.4.
25 k. Any unique problems of districts.
26 6. For each of the budget years beginning July 1,
27 1991, July 1, 1992, July 1, 1993, and July 1, 1994,
28 the committee may establish a modified allowable
29 growth for those school districts that used an in-
30 crease in allowable growth for the budget year
31 beginning July 1, 1989, for funding gifted and
32 talented children programs under section 442.35, Code
33 1989, and will receive less funding by the addition to

34 district cost per pupil for programs for gifted and
35 talented pupils under section 257.10. The amount of
36 additional allowable growth granted by the committee
37 shall not exceed the difference between the amount of
38 revenues received from the additional allowable growth
39 for the budget year beginning July 1, 1989, and the
40 funds that will be generated for the district for
41 programs for gifted and talented pupils under section
42 257.10 for that budget year. The additional allowable
43 growth granted by the committee for each of the budget
44 years beginning July 1, 1991, July 1, 1992, and July
45 1, 1993, is temporary and the additional allowable
46 growth granted for the budget year beginning July 1,
47 1994, is permanent.

48 7. The committee shall establish a modified
49 allowable growth for a district by increasing its
50 allowable growth when the district submits evidence

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1 that it requires additional funding for removal,
2 management, or abatement of environmental hazards due
3 to a state or federal requirement. Environmental
4 hazards shall include but are not limited to the
5 presence of asbestos, radon, or the presence of any
6 other hazardous material dangerous to health and
7 safety.

8 The district shall include a budget for the actual
9 cost of the project that may include the costs of
10 inspection, reinspection, sampling, analysis,
11 assessment, response actions, operations and
12 maintenance, training, periodic surveillance,
13 developing of management plans, recordkeeping
14 requirements, and encapsulation or removal of the
15 hazardous material.

16 8. At the request of a school district, the
17 committee may establish a modified allowable growth
18 for that district by increasing its allowable growth
19 on a permanent basis when the district cost per pupil
20 of the district is lower than the state cost per pupil
21 and the school district presents evidence that the
22 educational program of the school district is
23 adversely affected by the lower authorized
24 expenditures. For the first budget year after the
25 request is granted, the committee may grant additional
26 allowable growth in an amount that shall increase
27 district cost per pupil by one-third of the difference
28 between the district cost per pupil and the state cost
29 per pupil. For the second budget year, the committee
30 may grant additional allowable growth in an amount

31 that will increase district cost per pupil by one-half
32 of the remaining difference. For the third budget
33 year the committee may grant additional allowable
34 growth so that district cost per pupil equals state
35 cost per pupil. The committee shall not grant
36 additional allowable growth in excess of the funding
37 required for the district cost per pupil to equal the
38 state cost per pupil.

39 9. Commencing July 1, 1993, the committee may
40 grant supplemental aid to a school district from funds
41 appropriated in this subsection for the purpose of
42 reimbursing school districts for additional costs that
43 are incurred when a district sends its resident pupils
44 to another school district or to an area school for
45 classes either under a whole grade sharing agreement
46 or for individual pupils, when a district jointly
47 employs and shares teachers or administrators under
48 section 280.15, or when a district uses the services
49 of a teacher employed by another school district.
50 Additional costs incurred may include, but are not

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1 limited to, transportation costs, additional
2 instructional costs, and additional personnel costs.
3 There is appropriated from the general fund of the
4 state to the department of education for the use of
5 the school budget review committee, an amount
6 necessary to reimburse school districts for the
7 additional costs of sharing approved by the school
8 budget review committee. The sharing costs per pupil
9 shall not exceed an amount based upon the supplemental
10 weighting provided in section 257.11 for the budget
11 year beginning July 1, 1991.

12 10. The committee may grant transportation
13 assistance aid to a school district from funds
14 appropriated in this subsection for the purpose of
15 providing additional funds for a budget year to school
16 districts that have costs for mandatory school
17 transportation based upon the cost per pupil
18 transported that exceed one hundred ten percent of the
19 state average cost of mandatory school transportation
20 based upon the cost per pupil transported for that
21 year. School districts shall submit to the department
22 of education the cost of providing mandatory school
23 transportation in their transportation report filed by
24 July 15 after each school year. The committee shall
25 prioritize the requests of school districts, ranking
26 districts first by their mandatory transportation
27 costs per pupil transported and then giving

28 consideration to the geographic size of the district,
29 and shall, within the limits of the funds appropriated
30 in this subsection, pay transportation assistance to
31 those districts ranked in the highest priority based
32 upon the criteria listed in this subsection. The
33 committee shall adopt rules under chapter 17A
34 establishing a procedure for prioritizing requests.
35 Transportation assistance payments are equal to the
36 amount that each district's cost of mandatory
37 transportation based upon the cost per pupil
38 transported exceeds one hundred ten percent of the
39 state average cost of transportation based upon the
40 cost per pupil transported multiplied by the
41 district's basic enrollment for the budget year.
42 Payment for a school year shall be made by September 1
43 after each school year.
44 School districts shall also submit in their
45 transportation report long-term plans to reduce their
46 transportation costs. The long-term plans may
47 include, but are not limited to, more efficient use of
48 transportation resources, consolidation of
49 transportation systems, or contracting with regional
50 municipal or private transit systems. The school

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1 budget review committee shall review the long-range
2 plans and make recommendations concerning reducing
3 transportation costs to the school districts.
4 There is appropriated from the general fund of the
5 state to the department of education for the use of
6 the school budget review committee, for each fiscal
7 year, the amount of three million five hundred
8 thousand dollars, or as much thereof as may be
9 necessary, to pay the transportation assistance to
10 school districts ranked in the highest priority under
11 this subsection.
12 11. The committee may authorize a district to
13 spend a reasonable and specified amount from its
14 unexpended cash balance for either of the following
15 purposes:
16 a. Furnishing, equipping, and contributing to the
17 construction of a new building or structure for which
18 the voters of the district have approved a bond issue
19 as provided by law or the tax levy provided in section
20 298.2.
21 b. The costs associated with the demolition of an
22 unused school building, or the conversion of an unused
23 school building for community use, in a school
24 district involved in a dissolution or reorganization

25 under chapter 275, if the costs are incurred within
26 three years of the dissolution or reorganization.
27 Other expenditures, including but not limited to
28 expenditures for salaries or recurring costs, are not
29 authorized under this subsection. Expenditures
30 authorized under this subsection shall not be included
31 in allowable growth or district cost, and the portion
32 of the unexpended cash balance which is authorized to
33 be spent shall be regarded as if it were miscellaneous
34 income. Any part of the amount not actually spent for
35 the authorized purpose shall revert to its former
36 status as part of the unexpended cash balance.
37 12. The committee may approve or modify the
38 initial base year district cost of any district which
39 changes accounting procedures.
40 13. When the committee makes a decision under
41 subsections 3 through 12, it shall make all necessary
42 changes in the district cost, budget, and tax levy.
43 It shall give written notice of its decision,
44 including all such changes, to the school board
45 through the department of education.
46 14. All decisions by the committee under this
47 chapter shall be made in accordance with reasonable
48 and uniform policies which shall be consistent with
49 this chapter. All such policies of general
50 application shall be stated in rules adopted in

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1 accordance with chapter 17A. The committee shall take
2 into account the intent of this chapter to equalize
3 educational opportunity, to provide a good education
4 for all the children of Iowa, to provide property tax
5 relief, to decrease the percentage of school costs
6 paid from property taxes, and to provide reasonable
7 control of school costs. The committee shall also
8 take into account the amount of funds available.
9 15. Failure by any school district to provide
10 information or appear before the committee as
11 requested for the accomplishment of review or hearing
12 is justification for the committee to instruct the
13 director of the department of management to withhold
14 any state aid to that district until the committee's
15 inquiries are satisfied completely.
16 16. The committee shall review the recommendations
17 of the director of the department of education
18 relating to the special education weighting plan, and
19 shall establish a weighting plan for each school year
20 pursuant to section 281.9, and report the plan to the
21 director of the department of education.

22 17. The committee may recommend that two or more
23 school districts jointly employ and share the services
24 of any school personnel, or acquire and share the use
25 of classrooms, laboratories, equipment, and facilities
26 as specified in section 280.15.

27 18. As soon as possible following June 30 of the
28 base year, the school budget review committee shall
29 determine for each school district the balance of
30 funds, whether positive or negative, raised for
31 special education instruction programs under the
32 special education weighting plan established in
33 section 281.9. The committee shall certify the
34 balance of funds for each school district to the
35 director of the department of management.

36 In determining the balance of funds of a school
37 district under this subsection, the committee shall
38 subtract the amount of any reduction in state aid that
39 occurred as a result of a reduction in allotments made
40 by the governor under section 8.31.

41 a. If the amount certified for a school district
42 to the director of the department of management under
43 this subsection for the base year is positive, the
44 director of the department of management shall
45 subtract the amount of the positive balance from the
46 amount of state aid remaining to be paid to the
47 district during the budget year. If the positive
48 amount exceeds the amount of state aid that remains to
49 be paid to the district, the school district shall pay
50 the excess on a quarterly basis prior to June 30 of

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1 the budget year to the director of the department of
2 management from other funds received by the district.
3 The director of the department of management shall
4 determine the amount of the positive balance that came
5 from local property tax revenues and shall increase
6 the district's total state school aids available under
7 this chapter for the next following budget year by the
8 amount so determined and shall reduce the district's
9 tax levy computed under section 257.4 for the next
10 following budget year by the amount necessary to
11 compensate for the increased state aid.

12 b. If the amount certified for a school district
13 to the director of the department of management under
14 this subsection for the base year is negative, the
15 director of the department of management shall
16 determine the amount of the deficit that would have
17 been state aid and the amount that would have been
18 property taxes for each eligible school district.

19 There is appropriated from the general fund of the
20 state to the school budget review committee for each
21 fiscal year an amount equal to the state aid portion
22 of five percent of the receipts for special education
23 instruction programs in all districts that had a
24 positive balance determined under paragraph "a" for
25 the base year, or the state aid portion of all of the
26 positive balances determined under paragraph "a" for
27 the base year, whichever is less, to be used for
28 supplemental aid payments to school districts. Except
29 as otherwise provided in this lettered paragraph,
30 supplemental aid paid to a district is equal to the
31 state aid portion of the district's negative balance.
32 The school budget review committee shall direct the
33 director of the department of management to make the
34 payments to school districts under this lettered
35 paragraph.

36 A school district is only eligible to receive
37 supplemental aid payments during the budget year if
38 the school district certifies to the school budget
39 review committee that for the year following the
40 budget year it will notify the school budget review
41 committee to instruct the director of the department
42 of management to increase the district's allowable
43 growth and will fund the allowable growth increase
44 either by using moneys from its unexpended cash
45 balance to reduce the district's property tax levy or
46 by using cash reserve moneys to equal the amount of
47 the deficit that would have been property taxes and
48 any part of the state aid portion of the deficit not
49 received as supplemental aid. The director of the
50 department of management shall make the necessary

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1 adjustments to the school district's budget to provide
2 the additional allowable growth and shall make the
3 supplemental aid payments.

4 If the amount appropriated under this lettered
5 paragraph is insufficient to make the supplemental aid
6 payments, the director of the department of management
7 shall prorate the payments on the basis of the amount
8 appropriated.

9 19. Annually the school budget review committee
10 shall review the amount of property tax levied by each
11 school district for the cash reserve authorized in
12 section 298.10. If in the committee's judgment, the
13 amount of a district's cash reserve levy is
14 unreasonably high, the committee shall instruct the
15 director of the department of management to reduce

16 that district's tax levy computed under section 257.4
 17 for the following budget year by the amount the cash
 18 reserve levy is deemed excessive. A reduction in a
 19 district's property tax levy for a budget year under
 20 this subsection does not affect the district's
 21 authorized budget.

22 20. The committee shall perform the duties
 23 assigned to it under chapter 273 and 286A.

24 Sec. 30. NEW SECTION. 257.30 PRIOR ENRICHMENT
 25 APPROVAL.

26 If the electors of a school district approved the
 27 use of the additional enrichment amount prior to July
 28 1, 1991, under chapter 442, Code 1989, or section
 29 279.43, Code 1989, the approval for use of the
 30 enrichment amount shall continue in effect until the
 31 expiration of the period for which it was approved.

32 Sec. 31. NEW SECTION. 257.31 CASH RESERVE
 33 INFORMATION.

34 If a school district receives less state school
 35 foundation aid under section 257.1 than is due under
 36 that section for a base year and the school district
 37 uses funds from its cash reserve during the base year
 38 to make up for the amount of state aid not paid, the
 39 board of directors of the school district shall
 40 include in its general fund budget document
 41 information about the amount of the cash reserve used
 42 to replace state school foundation aid not paid.

43 Sec. 32. NEW SECTION. 257.32 AREA EDUCATION
 44 AGENCY PAYMENTS.

45 The department of management shall deduct the
 46 amounts calculated for special education support
 47 services, media services, and educational services for
 48 each school district from the state aid due to the
 49 district pursuant to this chapter and shall pay the
 50 amounts to the respective area education agencies on a

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1 monthly basis from September 15 through June 15 during
 2 each school year. The department of management shall
 3 notify each school district of the amount of state aid
 4 deducted for these purposes and the balance of state
 5 aid shall be paid to the district. If a district does
 6 not qualify for state aid under this chapter in an
 7 amount sufficient to cover its amount due to the area
 8 education agency as calculated by the department of
 9 management, the school district shall pay the
 10 deficiency to the area education agency from other
 11 moneys received by the district, on a quarterly basis
 12 during each school year.

13 Sec. 33. NEW SECTION. 257.33 SPECIAL EDUCATION
14 SUPPORT SERVICES BALANCES.

15 Notwithstanding chapters 273 and 281 and sections
16 of this chapter relating to the moneys available to
17 area education agencies for special education support
18 services, for each school year, the department of
19 education may direct the department of management to
20 deduct amounts from the portions of school district
21 budgets that fund special education support services
22 in an area education agency. The total amount
23 deducted in an area shall be based upon excess special
24 education support services unreserved and undesignated
25 fund balances in that area education agency for a
26 school year. The department of management shall
27 determine the amount deducted from each school
28 district in an area education agency on a proportional
29 basis. The department of management shall determine
30 from the amounts deducted from the portions of school
31 district budgets that fund area education agency
32 special education support services the amount that
33 would have been local property taxes and the amount
34 that would have been state aid and for the next
35 following budget year shall increase the district's
36 total state school aid available under this chapter
37 for area education agency special education support
38 services and reduce the district's property tax levy
39 for area education agency special education support
40 services by the amount necessary for the property tax
41 portion of the deductions made under this section
42 during the budget year.

43 The amount deducted from a school district's budget
44 shall not affect the calculation of the state cost per
45 pupil or its district cost per pupil in that school
46 year or a subsequent year.

47 Sec. 34. NEW SECTION. 257.34 FUNDING MEDIA AND
48 EDUCATIONAL SERVICES.

49 Media services and educational services provided
50 through the area education agencies shall be funded,

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1 to the extent provided, by an addition to the district
2 cost of each school district, determined as follows:
3 1. The total amount funded in each area for media
4 services in the budget year is equal to nine-tenths
5 percent of the state cost per pupil for the budget
6 year multiplied by the enrollment served in the area
7 for the budget year. Thirty percent of the budget of
8 an area for media services shall be expended for media
9 resource material which shall only be used for the

10 purchase or replacement of material required in
11 section 273.6, subsection 1, paragraphs "a", "b", and
12 "c". Funds shall be paid to area education agencies
13 as provided in section 257.32. The costs shall be
14 allocated to school districts in the area based upon
15 the proportion of the enrollment served that resides
16 in the district.

17 2. The total amount funded in each area for
18 educational services in the budget year is equal to
19 one percent of the state cost per pupil for the budget
20 year multiplied by the enrollment served in the area
21 for the budget year. Funds shall be paid to area
22 education agencies as provided in section 257.32. The
23 costs shall be allocated to school districts in the
24 area based upon the proportion of the enrollment
25 served that resides in the district.

26 3. "Enrollment served" means the basic enrollment
27 plus the number of nonpublic school pupils served with
28 media services or educational services, as applicable,
29 except that if a nonpublic school pupil receives
30 services through an area other than the area of the
31 pupil's residence, the pupil shall be deemed to be
32 served by the area of the pupil's residence, which
33 shall by contractual arrangement reimburse the area
34 through which the pupil actually receives services.
35 Each school district shall include in the third Friday
36 in September enrollment report the number of nonpublic
37 school pupils within each school district for media
38 and educational services served by the area.

39 4. If an area education agency does not serve
40 nonpublic school pupils in a manner comparable to
41 services provided public school pupils for media and
42 educational services, as determined by the state board
43 of education, the state board shall instruct the
44 department of management to reduce the funds for media
45 services and educational services one time by an
46 amount to compensate for such reduced services. The
47 media services budget shall be reduced by an amount
48 equal to the product of the cost per pupil in basic
49 enrollment for the budget year for media services
50 times the difference between the enrollment served and

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1 the basic enrollment recorded for the area. The
2 educational services budget shall be reduced by an
3 amount equal to the product of the cost per pupil in
4 basic enrollment for the budget year for educational
5 services times the difference between the enrollment
6 served and the basic enrollment recorded for the area.

7 This subsection applies only to media and
8 educational services which cannot be diverted for
9 religious purposes.

10 Notwithstanding this subsection, an area education
11 agency shall distribute to nonpublic schools media
12 materials purchased wholly or partially with federal
13 funds in a manner comparable to the distribution of
14 such media materials to public schools as determined
15 by the director of the department of education.

16 Sec. 35. NEW SECTION. 257.35 PROGRAMS FOR
17 RETURNING DROPOUTS AND DROPOUT PREVENTION.

18 Boards of school districts, individually or jointly
19 with boards of other school districts, requesting to
20 use additional allowable growth for programs for
21 returning dropouts and dropout prevention, shall
22 annually submit comprehensive program plans for the
23 programs and budget costs, including requests for
24 additional allowable growth for funding the programs,
25 to the department of education as provided in this
26 chapter. The program plans shall include:

27 1. Program goals, objectives, and activities to
28 meet the needs of children who may drop out of school.

29 2. Student identification criteria and procedures.

30 3. Staff in-service education design.

31 4. Staff utilization plans.

32 5. Evaluation criteria and procedures and
33 performance measures.

34 6. Program budget.

35 7. Qualifications required of personnel
36 administering the program.

37 8. A provision for dropout prevention and
38 integration of dropouts into the educational program
39 of the district.

40 9. A provision for identifying dropouts.

41 10. A program for returning dropouts.

42 11. Other factors the department requires.

43 Program plans shall identify the parts of the plan
44 that will be implemented first upon approval of the
45 application. If a district is requesting to use
46 additional allowable growth to finance the program, it
47 shall not identify more than five percent of its
48 budget enrollment for the budget year as returning
49 dropouts and potential dropouts.

50 Sec. 36. NEW SECTION. 257.36 DEFINITIONS.

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1 As used in this chapter:

2 1. "Returning dropouts" are resident pupils who
3 have been enrolled in a public or nonpublic school in

4 any of grades seven through twelve who withdrew from
 5 school for a reason other than transfer to another
 6 school or school district and who subsequently
 7 enrolled in a public school in the district.

8 2. "Potential dropouts" are resident pupils who
 9 are enrolled in a public or nonpublic school who
 10 demonstrate poor school adjustment as indicated by two
 11 or more of the following:

12 a. High rate of absenteeism, truancy, or frequent
 13 tardiness.

14 b. Limited or no extracurricular participation or
 15 lack of identification with school, including but not
 16 limited to, expressed feelings of not belonging.

17 c. Poor grades, including but not limited to,
 18 failing in one or more school subjects or grade
 19 levels.

20 d. Low achievement scores in reading or
 21 mathematics which reflect achievement at two years or
 22 more below grade level.

23 e. Children in grades kindergarten through three
 24 who meet the definition of at-risk children adopted by
 25 the department of education.

26 Sec. 37. **NEW SECTION. 257.37 PLANS FOR RETURNING**
 27 **DROPOUTS AND DROPOUT PREVENTION.**

28 The board of directors of a school district
 29 requesting to use additional allowable growth for
 30 programs for returning dropouts and dropout prevention
 31 shall submit applications for approval for the
 32 programs to the department not later than November 1
 33 preceding the budget year during which the program
 34 will be offered. The department shall review the
 35 program plans and shall prior to January 15 either
 36 grant approval for the program or return the request
 37 for approval with comments of the department included.
 38 An unapproved request for a program may be resubmitted
 39 with modifications to the department not later than
 40 February 1. Not later than February 15, the
 41 department shall notify the department of management
 42 and the school budget review committee of the names of
 43 the school districts for which programs using
 44 additional allowable growth for funding have been
 45 approved and the approved budget of each program
 46 listed separately for each school district having an
 47 approved program.

48 Sec. 38. **NEW SECTION. 257.38 FUNDING FOR**
 49 **PROGRAMS FOR RETURNING DROPOUTS AND DROPOUT**
 50 **PREVENTION.**

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1 The budget of an approved program for returning
2 dropouts and dropout prevention for a school district,
3 after subtracting funds received from other sources
4 for that purpose, shall be funded annually on a basis
5 of one-fourth or more from the district cost of the
6 school district and up to three-fourths by an increase
7 in allowable growth as defined in section 257.8.
8 Annually, the department of management shall establish
9 a modified allowable growth for each such district
10 equal to the difference between the approved budget
11 for the program for returning dropouts and dropout
12 prevention for that district and the sum of the amount
13 funded from the district cost of the school district
14 plus funds received from other sources.

15 Sec. 39. NEW SECTION. 257.39 FUNDS FOR NEW
16 EDUCATIONAL STANDARDS.

17 In addition to the funding provided through the
18 district cost of school districts, there is
19 appropriated from the general fund of the state for
20 each fiscal year to the department of education for
21 allocation to school districts for the costs of
22 implementing educational standards adopted by the
23 state board of education under section 256.11, the sum
24 of six million nine hundred thousand dollars, or so
25 much thereof as is necessary, to be allocated to
26 school districts based upon each school district's
27 budget enrollment for the budget year. Moneys
28 received by school districts under this section are
29 miscellaneous income. Payments under this section
30 shall be made in the manner provided in section
31 257.16.

32 Sec. 40. SPECIAL EDUCATION WEIGHTS. For the
33 budget years beginning July 1, 1991, July 1, 1992, and
34 July 1, 1993, in making recommendations to the school
35 budget review committee under section 281.9,
36 subsection 4, the director of the department of
37 education shall consider the changes in the value of
38 the state cost per pupil established under section
39 257.9 from the value of the state cost per pupil for
40 the base year established under section 442.8, Code
41 1989, and changes in the value of the district cost
42 per pupil for school districts established in section
43 257.10 from the value of the district cost per pupil
44 for school districts established in section 442.9,
45 Code 1989. Notwithstanding section 281.9, subsection
46 4, for the budget years commencing July 1, 1990, July
47 1, 1991, and July 1, 1992, the increase or decrease in
48 the weighting assigned to each category of children

49 requiring special education is not limited to two-
50 tenths of the weighting assigned to pupils in a

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1 regular curriculum.

2 Sec. 41. Section 96.31, Code 1989, is amended to
3 read as follows:

4 96.31 TAX FOR BENEFITS.

5 Political subdivisions may levy a tax outside their
6 general fund levy limits to pay the cost of
7 unemployment benefits. For school districts the cost
8 of unemployment benefits shall be included in the
9 district management levy pursuant to section 298.4.

10 Sec. 42. Section 111E.4, Code 1989, is amended to
11 read as follows:

12 111E.4 PAYMENT IN LIEU OF PROPERTY TAXES.

13 As a part of the budget proposal submitted to the
14 general assembly under section 455A.4, subsection 1,
15 paragraph "c", the director of the department of
16 natural resources shall submit a budget request to pay
17 the property taxes for the next fiscal year on open
18 space property acquired by the department which would
19 otherwise be subject to the levy of property taxes.
20 The assessed value of open space property acquired by
21 the department shall be that determined under section
22 427.1, subsection 31, and the director may protest the
23 assessed value in the manner provided by law for any
24 property owner to protest an assessment. For the
25 purposes of chapter ~~442~~ 257, the assessed value of the
26 open space property acquired by the department shall
27 be included in the valuation base of the school
28 district and the payments made pursuant to this
29 section shall be considered as property tax revenues
30 and not as miscellaneous income. The county treasurer
31 shall certify taxes due to the department. The taxes
32 shall be paid annually from the departmental fund or
33 account from which the open space property acquisition
34 was funded. If the departmental fund or account has
35 no moneys or no longer exists, the taxes shall be paid
36 from funds as otherwise provided by the general
37 assembly. If the total amount of taxes due certified
38 to the department exceeds the amount appropriated, the
39 taxes due shall be reduced proportionately so that the
40 total amount equals the amount appropriated. This
41 section applies to open space property acquired by the
42 department on or after January 1, 1987.

43 Sec. 43. Section 256.21, unnumbered paragraph 4,
44 Code 1989, is amended to read as follows:

45 A sabbatical grant to a teacher shall be equal to

46 the costs to the school district of the teacher's
47 regular compensation as defined in section 294A.2 plus
48 the cost to the district of the fringe benefits of the
49 teacher. The grant shall be paid to the school
50 district, and the district shall continue to pay the

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1 teacher's regular compensation as well as the cost to
2 the district of the substitute teacher. Teachers and
3 boards of school districts are encouraged to seek
4 funding from other sources to pay the costs of
5 sabbaticals for teachers. Grant moneys are
6 miscellaneous income for purposes of chapter 442 257.
7 Sec. 44. Section 256A.3, subsection 5, Code 1989,
8 is amended by adding the following new unnumbered
9 paragraph:
10 NEW UNNUMBERED PARAGRAPH. Program grants funded
11 under this subsection may integrate children not
12 meeting at-risk criteria into the program and shall
13 establish a fee for participation in the program in
14 the manner provided in section 279.49, but grant funds
15 shall not be used to pay the costs for those children.
16 Sec. 45. Section 256A.3, Code 1989, is amended by
17 adding the following new subsections:
18 NEW SUBSECTION. 9. Subject to a decision by the
19 council to initiate the programs, develop criteria for
20 and award grants under section 279.51, subsection 2.
21 NEW SUBSECTION. 10. Encourage the establishment
22 of programs that will enhance the skills of parents in
23 parenting and in providing for the learning and
24 development of their children.
25 Sec. 46. NEW SECTION. 263.20 EDUCATION FINANCE
26 INSTITUTE.
27 An education finance institute is established at
28 the university of Iowa to provide the general
29 assembly, the department of education, the department
30 of management, and associations interested in
31 education with information and research regarding the
32 funding of school districts under the state school
33 finance formula. The institute shall initiate
34 research within the limits of the moneys available,
35 review school finance research conducted in this state
36 and in other states, compare school districts in Iowa
37 with other school districts both in Iowa and in other
38 states, review the operation of Iowa's school finance
39 plan, and serve as a resource to the general assembly
40 in actions relating to school finance. The research
41 conducted by the institute shall be coordinated with
42 the legislative fiscal bureau. The legislative fiscal

43 bureau and the house and senate committees on
44 education of the general assembly may make
45 recommendations to the institute concerning research
46 projects to be initiated and information to be
47 gathered.
48 Research projects may include but are not limited
49 to projects relating to equality of educational
50 opportunity, equality of distribution of education

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1 funds, the relationship between school funding and
2 school improvement, access of students to curriculum
3 and programs, tax equity, and use of income factors in
4 school funding.
5 The institute shall be interdisciplinary in focus,
6 using research teams that may include members from
7 other higher education institutions under the control
8 of the state board of regents.

9 The institute shall be financed with moneys
10 appropriated in this section and additional
11 contributions from the university of Iowa. In
12 addition, the university of Iowa shall seek grants and
13 donations from public and private sources.

14 There is appropriated from the general fund of the
15 state to the state board of regents for allocation to
16 the education finance institute for each fiscal year
17 an amount equal to thirty-two cents multiplied by the
18 sum of the basic enrollments for the budget year of
19 all school districts in the state, as basic enrollment
20 is defined in section 257.6.

21 Sec. 47. Section 265.6, Code 1989, is amended to
22 read as follows:

23 **265.6 STATE AID APPLICABLE.**

24 If the state board of regents has established a
25 laboratory school, it shall receive state aid pursuant
26 to chapters 257 and 281 and 442 for each pupil
27 enrolled in the laboratory school in the same amount
28 as the public school district in which the pupil
29 resides would receive aid for that pupil and shall
30 transmit the amount received to the institution of
31 higher education at which the laboratory school has
32 been established. If the board of a school district
33 terminates a contract with the state board of regents
34 for attendance of pupils in a laboratory school, the
35 school district shall inform the ~~state comptroller~~
36 department of management of the number of these pupils
37 who are enrolled in the district on the ~~second~~ third
38 Friday of the following September. The ~~state~~
39 ~~comptroller~~ department of management shall pay to the

40 school district, from funds appropriated in section
41 ~~442.26~~ 257.16, an amount equal to the amount of state
42 aid paid for each pupil in that school district for
43 that school year in payments made as provided in
44 section ~~442.26~~ 257.16. However, payments shall not be
45 made for pupils for which an advance is received by
46 the district under section ~~442.28~~ 257.13.
47 Sec. 48. Section 273.3, subsections 2 and 12, Code
48 1989, are amended to read as follows:
49 2. Be authorized to receive and expend money for
50 providing programs and services as provided in

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1 sections 273.1 to 273.9, and chapters 257 and 281 and
2 ~~442~~. All costs incurred in providing the programs and
3 services, including administrative costs, shall be
4 paid from funds received pursuant to sections 273.1 to
5 273.9 and chapters 257 and 281 and 442.
6 12. Prepare an annual budget estimating income and
7 expenditures for programs and services as provided in
8 sections 273.1 to 273.9 and chapter 281 within the
9 limits of funds provided under section 281.9 and
10 chapter ~~442~~ 257. The board shall give notice of a
11 public hearing on the proposed budget by publication
12 in an official county newspaper in each county in the
13 territory of the area education agency in which the
14 principal place of business of a school district that
15 is a part of the area education agency is located.
16 The notice shall specify the date, which shall be not
17 later than ~~November 10~~ February 1 of each year, the
18 time, and the location of the public hearing. The
19 proposed budget as approved by the board shall then be
20 submitted to the state board of education, on forms
21 provided by the department, no later than ~~December 1~~
22 February 15 preceding the next fiscal year for
23 approval. The state board shall review the proposed
24 budget of each area education agency and shall prior
25 to January before March 1, either grant approval or
26 return the budget without approval with comments of
27 the state board included. ~~Any An~~ unapproved budget
28 shall be resubmitted to the state board for final
29 approval.
30 Sec. 49. Section 273.5, subsection 6, Code 1989,
31 is amended to read as follows:
32 6. Submit to the department of education special
33 education instructional and support program plans and
34 applications, subject to criteria listed in chapter
35 281 and this chapter, for approval by ~~November 1~~
36 February 15 of each year for the school year

37 commencing the following July 1.

38 Sec. 50. Section 273.9, Code 1989, is amended to
39 read as follows:

40 273.9 FUNDING.

41 1. For the school year beginning July 1, 1975, and
42 each succeeding school year, school districts shall
43 pay for the programs and services provided through the
44 area education agency and shall include expenditures
45 for the programs and services in their budgets, in
46 accordance with ~~the provisions~~ of this section.

47 2. School districts shall pay the costs of special
48 education instructional programs with the moneys
49 available to the districts for each child requiring
50 special education, by application of the special

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1 education weighting plan in section 281.9. Special
2 education instructional programs shall be provided at
3 the local level if practicable, or otherwise by
4 contractual arrangements with the area education
5 agency board as provided in section 273.3, subsection
6 5, but in each case the total money available through
7 section 281.9 and chapter ~~442 257~~ because of weighted
8 enrollment for each child requiring special education
9 instruction shall be made available to the district or
10 agency which provides the special education
11 instructional program to the child, subject to
12 adjustments for transportation or other costs which
13 may be paid by the school district in which the child
14 is enrolled. Each district shall co-operate with its
15 area education agency to provide an appropriate
16 special education instructional program for each child
17 who requires special education instruction, as
18 identified and counted within the certification by the
19 area director of special education or as identified by
20 the area director of special education subsequent to
21 the certification, and shall not provide a special
22 education instructional program to a child who has not
23 been so identified and counted within the
24 certification or identified subsequent to the
25 certification.

26 3. The costs of special education support services
27 provided through the area education agency shall be
28 funded by ~~an increase in the allowable growth of each~~
29 ~~school district, determined as provided in section~~
30 ~~442.7 chapter 257~~. Special education support services
31 shall not be funded until the program plans submitted
32 by the special education directors of each area
33 education agency as required by section 273.5 are

34 modified as necessary and approved by the director of
35 the department of education according to the criteria
36 and limitations of ~~chapter~~ chapters 257 and 281 and
37 section 442.7.

38 4. The costs of media services provided through
39 the area education agency shall be funded as provided
40 in section ~~442.27~~ 257.34. Media services shall not be
41 funded until the program plans submitted by the
42 administrators of each area education agency as
43 required by section 273.4 are modified as necessary
44 and approved by the director of the department of
45 education according to the criteria and limitations of
46 section sections 257.34 and 273.6 and of section
47 442.27.

48 5. The costs of educational services provided
49 through the area education agency shall be funded
50 within the limitations in section ~~442.27~~ 257.34.

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1 The state board of education shall adopt rules
2 under chapter 17A relating to the approval of program
3 plans under this section.

4 Sec. 51. Section 273.12, Code 1989, is amended to
5 read as follows:

6 273.12 FUNDS -- USE RESTRICTED.

7 Funds generated for educational services under ~~the~~
8 ~~provisions of section 442.27~~ 257.34 and subject to
9 approval under the provisions of section 273.9,
10 subsection 5, shall not be expended by an area
11 education agency for the purpose of assisting either a
12 public employer or employee organization in collective
13 bargaining negotiations under chapter 20 if the public
14 employer is a school district, or the employee
15 organization consists of employees of a school
16 district, located within the boundaries of the area
17 education agency.

18 Sec. 52. Section 273.13, Code 1989, is amended to
19 read as follows:

20 273.13 ADMINISTRATIVE EXPENDITURES.

21 During the budget year beginning July 1, 1989, and
22 the three succeeding budget years, the board of
23 directors of an area education agency in which the
24 administrative expenditures as a percent of the area
25 education agency's operating fund for a base year
26 exceed five percent shall reduce its administrative
27 expenditures to five percent of the area education
28 agency's operating fund. During each of the four
29 years, the board of directors shall reduce
30 administrative expenditures by twenty-five percent of

31 the reduction in administrative expenditure required
 32 by this section. Thereafter, the administrative
 33 expenditures shall not exceed five percent of the
 34 operating fund. Annually, the board of directors
 35 shall certify to the department of education the
 36 amounts of the area education agency's expenditures
 37 and its operating fund. For the purposes of this
 38 section, "base year" and "budget year" mean the same
 39 as defined in section 442.6, Code 1989, and section
 40 257.2, and "administrative expenditures" means
 41 expenditures for executive administration.
 42 Sec. 53. NEW SECTION. 273.14 AREA EDUCATION
 43 BUDGET REVIEW.
 44 1. An area education agency budget review
 45 procedure is established for the school budget review
 46 committee created in section 257.28. The school
 47 budget review committee, in addition to its duties
 48 under chapter 257, shall meet and hold hearings each
 49 year under this chapter to review unusual
 50 circumstances of area education agencies, either upon

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1 the committee's motion or upon the request of an area
 2 education agency. The committee may grant
 3 supplemental aid to the area education agency from
 4 funds appropriated to the department of education for
 5 area school budget review purposes, or an amount may
 6 be added to the area education agency special
 7 education support services allowable growth for
 8 districts in an area or an additional amount may be
 9 added to district cost for media services or
 10 educational services for all districts in an area for
 11 the budget year either on a temporary or permanent
 12 basis, or both.
 13 Unusual circumstances shall include but not be
 14 limited to the following:
 15 a. An unusual increase or decrease in enrollment
 16 of children requiring special education.
 17 b. Unusual need for additional moneys for media
 18 services.
 19 c. Unusual need for additional moneys for
 20 educational services.
 21 d. Unusual costs for building repair, building
 22 maintenance, or removal of environmental hazards.
 23 e. Participation by the area education agency in
 24 telecommunications, electronic, and technological
 25 development with school districts, and related staff
 26 development programs.
 27 2. When the school budget review committee makes a

28 decision under subsection 1, it shall provide written
 29 notice of its decision, including all changes, to the
 30 board of directors of the area education agency, and
 31 to the department of management.

32 3. All decisions by the school budget review
 33 committee under this chapter shall be made in
 34 accordance with reasonable and uniform policies which
 35 shall be consistent with this chapter.

36 4. Failure by an area education agency to provide
 37 information or appear before the school budget review
 38 committee as requested for the accomplishment of
 39 review or hearing constitutes justification for the
 40 committee to instruct the department of revenue and
 41 finance to withhold payments to the area education
 42 agency until the committee's inquiries are satisfied
 43 completely.

44 Sec. 54. Section 274.37, unnumbered paragraph 2,
 45 Code 1987, is amended to read as follows:

46 The boards in the respective districts, the
 47 boundaries of which have been changed under this
 48 section, complete in all respects; except for the
 49 passage of time prior to the effective date of the
 50 change, and when ~~at~~ the right of appeal of the change

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1 has expired, may enter into joint contracts for the
 2 construction of buildings for the benefit of the
 3 corporations whose boundaries have been changed, using
 4 funds accumulated under ~~section 278.1, subsection 7~~
 5 the physical plant and equipment levy in section
 6 298.2. The district in which the building is to be
 7 located may use any funds authorized in accordance
 8 with chapter 75. ~~Nothing in this section shall be~~
 9 ~~construed to~~ This section does not permit the changed
 10 districts to expend any funds jointly which they are
 11 not entitled to expend acting individually.

12 Sec. 55. Section 275.12, subsection 5, Code 1989,
 13 is amended to read as follows:

14 5. The petition may also include a provision that
 15 ~~the schoolhouse tax voter-approved physical plant and~~
 16 equipment levy provided in ~~section 278.1, subsection 7~~
 17 298.2, will be voted upon at the election conducted
 18 under section 275.18.

19 Sec. 56. Section 275.14, Code 1989, is amended to
 20 read as follows:

21 275.14 OBJECTION -- TIME OF FILING -- NOTICE.

22 Within ten days after the petition is filed, the
 23 area education agency administrator shall fix a final
 24 date for filing objections to the petition which shall

25 be not more than sixty days after the petition is
 26 filed and shall fix the date for a hearing on the
 27 objections to the petition. Objections shall be filed
 28 in the office of the administrator who shall give
 29 notice at least ten days prior to the final day for
 30 filing objections, by one publication in a newspaper
 31 published within the territory described in the
 32 petition, or if none is published ~~therein~~ in the
 33 territory, in a newspaper published in the county
 34 where the petition is filed, and of general
 35 circulation in the territory described. The notice
 36 shall also list the date, time, and location for the
 37 hearing on the petition as provided in section 275.15.
 38 The cost of publication shall be assessed to each
 39 district whose territory is involved in the ratio that
 40 the number of pupils in basic enrollment for the
 41 budget year, as defined in section ~~442.4~~ 257.6 in each
 42 district bears to the total number of pupils in basic
 43 enrollment for the budget year in the total area
 44 involved. Objections shall be in writing in the form
 45 of an affidavit and may be made by any person residing
 46 or owning land within the territory described in the
 47 petition, or who would be injuriously affected by the
 48 change petitioned for and shall be on file not later
 49 than twelve o'clock noon of the final day fixed for
 50 filing objections.

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1 Objection forms shall be prescribed by the
 2 department of education and may be obtained from the
 3 area education agency administrator. Objection forms
 4 that request that property be removed from a proposed
 5 district shall include the correct legal description
 6 of the property to be removed.
 7 Sec. 57, Section 275.20, Code 1989, is amended to
 8 read as follows:
 9 275.20 SEPARATE VOTE IN EXISTING DISTRICTS.
 10 The voters shall vote separately in each existing
 11 school district affected and voters residing in the
 12 entire existing district are eligible to vote ~~both~~
 13 upon the proposition to create a new school
 14 corporation and the proposition to levy the
 15 ~~schoolhouse tax under section 278.1, subsection 7~~
 16 voter-approved physical plant and equipment levy under
 17 section 298.2, if the petition included a provision
 18 for a vote to authorize the ~~levy the~~ schoolhouse tax.
 19 If a proposition receives a majority of the votes cast
 20 in each of at least seventy-five percent of the
 21 districts, and also a majority of the total number of

22 votes cast in all of the districts, the proposition is
23 carried.
24 Sec. 58. Section 275.31, unnumbered paragraph 1,
25 Code 1989, is amended to read as follows:
26 If necessary to equalize the division and
27 distribution, the board or boards may provide for the
28 levy of additional taxes, which shall be sufficient to
29 satisfy the mandatory levy required in section 76.2 or
30 other liabilities of the districts, upon the property
31 of a corporation or part of a corporation and for the
32 distribution of the tax revenues so as to effect
33 equalization. When the board or boards are
34 considering the equalization levy, the division and
35 distribution shall not impair the security for
36 outstanding obligations of each affected corporation.
37 Any owner of bonds of an affected corporation may
38 bring suit in equity for adjustment of the division
39 and distribution in compliance with this section. If
40 the property tax levy for the amount estimated and
41 certified to apply on principal and interest on lawful
42 bonded indebtedness for a newly formed community
43 school district is greater than the property tax levy
44 for the amount estimated and certified to apply on
45 principal and interest in the year preceding the
46 reorganization or dissolution for a school district
47 that is a party to the reorganization or dissolution,
48 ~~and~~ that had a certified enrollment of less than six
49 hundred for the year prior to the reorganization or
50 dissolution, and that approved the reorganization or

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1 dissolution prior to July 1, 1989, the board of the
2 newly formed district shall inform the department of
3 management. The department of management shall pay
4 debt service aid to the newly formed district in an
5 amount that will reduce the rate of the property tax
6 levy for lawful bonded indebtedness in the portion of
7 the newly formed district where the new rate is
8 higher, to the rate that was levied in that portion of
9 the district during the year preceding the
10 reorganization or dissolution.
11 Sec. 59. Section 275.33, subsection 2, unnumbered
12 paragraph 1, Code 1989, is amended to read as follows:
13 The collective bargaining agreement of the district
14 with the largest basic enrollment, as defined in
15 section ~~442.4~~ 257.6, in the new district shall serve
16 as the base agreement and the employees of the other
17 districts involved in the formation of the new

18 district shall automatically be accreted to the
19 bargaining unit of that collective bargaining
20 agreement for purposes of negotiating the contracts
21 for the following years without further action by the
22 public employment relations board. If only one
23 collective bargaining agreement is in effect among the
24 districts which are party to the reorganization, then
25 that agreement shall serve as the base agreement, and
26 the employees of the other districts involved in the
27 formation of the new district shall automatically be
28 accreted to the bargaining unit of that collective
29 bargaining agreement for purposes of negotiating the
30 contracts for the following years without further
31 action by the public employment relations board. The
32 board of the newly formed district, using the base
33 agreement as its existing contract, shall bargain with
34 the combined employees of the existing districts for
35 the school year beginning with the effective date of
36 the reorganization. The bargaining shall be completed
37 by March 15 prior to the school year in which the
38 reorganization becomes effective or within one hundred
39 eighty days after the organization of the new board,
40 whichever is later. If a bargaining agreement was
41 already concluded by the board and employees of the
42 existing district with the contract serving as the
43 base agreement for the school year beginning with the
44 effective date of the reorganization, that agreement
45 shall be void. However, if the base agreement
46 contains multiyear provisions affecting school years
47 subsequent to the effective date of the
48 reorganization, the base agreement shall remain in
49 effect as specified in the agreement.
50 Sec. 60. Section 275.55, unnumbered paragraph 4,

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1 Code 1989, is amended to read as follows:
2 The attachment is effective July 1 following its
3 approval. If the dissolution proposal is for the
4 dissolution of a school district with a certified
5 enrollment of fewer than six hundred, the territory
6 located in the school district that dissolved is
7 eligible, if approved by the director of the
8 department of education, for a reduction in the
9 uniform foundation property tax levy under section
10 ~~442.2~~ 257.3, subsection 1. If the director approves a
11 reduction in the uniform foundation property tax levy
12 as provided in this section, the director shall notify
13 the director of the department of management of the
14 reduction.

15 Sec. 61. Section 276.11, Code 1989, is amended by
 16 striking the section and inserting in lieu thereof the
 17 following:

18 276.11 FUNDING OF COMMUNITY EDUCATION.

19 The costs of community education shall be paid from
 20 moneys in the general fund of the school district.

21 Sec. 62. Section 277.2, Code 1989, is amended to
 22 read as follows:

23 277.2 SPECIAL ELECTION.

24 The board of directors in ~~any~~ a school corporation
 25 may call a special election at which ~~election~~ the
 26 voters shall have the powers exercised at the regular
 27 election with reference to the sale of school property
 28 and the application to be made of the proceeds, the
 29 authorization of seven members on the board of
 30 directors, the authorization to establish or change
 31 the boundaries of director districts, and the
 32 authorization of a ~~schoolhouse tax voter-approved~~
 33 physical plant and equipment levy or indebtedness, as
 34 provided by law.

35 Sec. 63. Section 278.1, subsection 7, Code 1989,
 36 is amended by striking the subsection.

37 Sec. 64. Section 278.1, unnumbered paragraph 4,
 38 Code 1989, is amended by striking the unnumbered
 39 paragraph.

40 Sec. 65. NEW SECTION. 279.8A STUDENT FEES.

41 Students meeting the economic eligibility
 42 requirements established under the federal National
 43 School Lunch and Child Nutrition Acts, 42 U.S.C. §
 44 1751-1785, for free or reduced price lunches, shall
 45 not be required by the board of directors to pay fees
 46 imposed by the board for enrolling in the school
 47 district or for participation in extracurricular
 48 activities of the school district.

49 Sec. 66. Section 279.26, Code 1989, is amended to
 50 read as follows:

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1 279.26 LEASE ARRANGEMENTS.

2 The board of directors of a local school district
 3 for which a ~~schoolhouse tax voter-approved physical~~
 4 plant and equipment levy has been voted pursuant to
 5 section ~~278.1, subsection 7~~ 298.2, may enter into a
 6 rental or lease arrangement, consistent with the
 7 purposes for which the ~~schoolhouse tax voter-approved~~
 8 physical plant and equipment levy has been voted, for
 9 a period not exceeding ten years and not exceeding the
 10 period for which the ~~schoolhouse tax voter-approved~~
 11 physical plant and equipment levy has been authorized

12 by the voters.

13 Sec. 67. Section 279.45, Code 1989, is amended to
14 read as follows:

15 279.45 ADMINISTRATIVE EXPENDITURES.

16 For the budget year beginning July 1, 1989, and
17 each of the following three budget years, the board of
18 directors of a school district in which the
19 administrative expenditures as a percent of the school
20 district's operating fund for a base year exceed five
21 percent, shall reduce its administrative expenditures
22 so that they are one-half percent less as a percent of
23 the school district's operating fund than they were
24 for the base year. However, a school district is not
25 required to reduce its administrative expenditures
26 below five percent of its operating fund. Thereafter,
27 a school district shall not increase the percent of
28 its administrative expenditures compared to its
29 operating fund. Annually, the board of directors
30 shall certify to the department of education the
31 amounts of the school district's administrative
32 expenditures and its operating fund. For the purposes
33 of this section, "base year" and "budget year" mean
34 the same as defined in section 442.6, Code 1989, and
35 section 257.2, and "administrative expenditures" means
36 expenditures for executive administration.

37 Sec. 68. Section 279.46, Code 1989, is amended to
38 read as follows:

39 279.46 RETIREMENT INCENTIVES -- TAX.

40 The board of directors of a school district may
41 adopt a program for payment of a monetary bonus,
42 continuation of health or medical insurance coverage,
43 or other incentives for encouraging its employees to
44 retire before the normal retirement date as defined in
45 chapter 97B. The program is available only to
46 employees between fifty-nine and sixty-five years of
47 age who notify the board of directors prior to March 1
48 of the fiscal year that they intend to retire not
49 later than the next following June 30. An employee
50 retiring under this section shall apply for a

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1 retirement allowance under chapter 97B or chapter 294.
2 If the total estimated accumulated cost to a school
3 district of the bonus or other incentives for
4 employees who retire under this section does not
5 exceed the estimated savings in salaries and benefits
6 for employees who replace the employees who retire
7 under the program, the board may ~~certify for include~~
8 in the district management levy a tax on all taxable

9 property in the school district an amount to pay the
10 costs of the program provided in this section. The
11 levy certified under this section is in addition to
12 any other levy authorized for that school district by
13 law and is not subject to budget limitations otherwise
14 provided by law. A board may amend its certified
15 budget during a fiscal year to provide for payments
16 required under this section. Moneys received from the
17 levy imposed under this section are miscellaneous
18 income for purposes of chapter 442.

19 Sec. 69. NEW SECTION. 279.51 PROGRAMS FOR AT-
20 RISK CHILDREN.

21 1. There is appropriated from the general fund of
22 the state to the department of education for the
23 fiscal year beginning July 1, 1990, the sum of eleven
24 million two hundred thousand dollars. For each
25 succeeding fiscal year, there is appropriated the
26 amount appropriated for the previous fiscal year plus
27 an additional amount equal to the state percent of
28 growth as calculated in section 257.8 multiplied by
29 the amount appropriated the previous fiscal year as
30 follows:

31 a. Two hundred seventy-five thousand dollars of
32 the funds appropriated shall be allocated to the area
33 education agencies to assist school districts in
34 developing program plans and budgets under this
35 section and to assist school districts in meeting
36 other responsibilities in early childhood education.

37 b. Six million one hundred twenty-five thousand
38 dollars of the funds appropriated shall be allocated
39 to the child development coordinating council
40 established in chapter 256A for the purposes set out
41 in subsection 2 of this section and section 256A.3.

42 c. For each of the fiscal years during the fiscal
43 period beginning July 1, 1990, and ending June 30,
44 1994, eight hundred thousand dollars of the funds
45 appropriated shall be allocated for the school-based
46 youth services education program established in
47 subsection 3. Subject to the approval of the state
48 board of education, the allocation made in this
49 paragraph may be renewed for additional four-year
50 periods of time.

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1 d. Four million dollars of the funds appropriated
2 shall be allocated as grants to school districts that
3 have elementary schools that demonstrate the greatest
4 need for programs for at-risk students with preference
5 given to innovative programs for the early elementary

6 school years.

7 e. Additional funds available under this
8 subsection shall be distributed equally between
9 paragraphs "b" and "d".

10 2. Funds allocated under subsection 1, paragraph
11 "b", shall be used by the child development
12 coordinating council for the following:

13 a. To continue funding for programs previously
14 funded by grants awarded under section 256A.3 and to
15 provide additional grants under section 256A.3. The
16 council shall seek to provide grants on the basis of
17 the location within the state of children meeting at-
18 risk definitions.

19 b. At the discretion of the child development
20 coordinating council, award grants for the following:

21 (1) To school districts to establish programs for
22 three-year, four-year, and five-year old at-risk
23 children which is a combination of preschool and full-
24 day kindergarten.

25 (2) To provide grants to provide educational
26 support services to parents of at-risk children age
27 birth through three years.

28 3. A school-based youth services education program
29 is established. The department of education, in
30 consultation with the department of human services,
31 the department of employment services, the Iowa
32 department of public health, and the division of job
33 training and entrepreneurship assistance of the
34 department of economic development, shall develop a
35 four-year demonstration grant program that commences
36 in the fiscal year beginning July 1, 1990. The
37 department shall provide grants to individual middle
38 schools or high schools to establish school-based
39 youth services programs based upon program plans filed
40 by the board of directors of the school district.
41 Priority shall be given to schools with student
42 populations characterized by high rates of a number of
43 the following: school dropout and absenteeism;
44 teenage pregnancy; juvenile court involvement;
45 unemployment; teenage suicide; and teenage mental
46 health, substance abuse, and other health problems.
47 The department shall evaluate proposed programs based
48 upon the department's analysis of effectiveness in
49 reducing these rates within the schools.

50 Additional objectives of the programs shall be: to

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1 increase the ability of existing agencies within the
2 community to address the multiple problems of

3 teenagers and to coordinate their activities, to
4 provide an accessible and attractive center for
5 teenagers in or near school that they are most likely
6 to use, and to facilitate joint planning to make the
7 most economic and innovative use of community
8 resources. Programs shall at a minimum provide job
9 training and employment services, mental health and
10 family counseling services, and primary health care
11 services that include but are not limited to physical
12 examinations, immunizations, hearing and vision
13 screening, and preventive and primary health care
14 services, in the context of the educational needs of
15 the students. Programs shall not include abortion
16 counseling or the dispensing of contraceptives. The
17 department shall give additional consideration to
18 program proposals that provide access to the center
19 after school, in the evening and on weekends, and
20 during the summer; that provide a twenty-four hour
21 telephone hotline or similar service; and that provide
22 access to day care or on-site day care.

23 The plan shall include the appointment by the board
24 of a local advisory board for each proposed program,
25 which at a minimum shall include a representative of
26 the private industry council serving the area, parents
27 of children enrolled in the school, a teacher
28 recommended by the local teachers association, a
29 representative from the health and mental health com-
30 munity in the area, teenagers enrolled in the school
31 and recommended by the school student government, a
32 representative from the nonprofit provider community,
33 and a representative from the juvenile court system
34 serving the area. Management of the program shall be
35 by the school or by a nonprofit youth service
36 organization. As used in this subsection, "youth
37 service" means recreational services, employment
38 services, civic services, or juvenile treatment
39 services.

40 Program proposals shall include a written
41 commitment from the school principal and the board of
42 directors that the school will work to coordinate and
43 integrate existing school services and activities with
44 the center and shall include letters of support for
45 the proposal from the local teachers association;
46 parent-teacher organizations; community organizations;
47 nonprofit agencies providing social services, health,
48 or employment services in the area; and the area
49 private industry council.

50 Grants for the program shall not be used to

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1 construct a new facility, but up to ten percent of the
 2 grant may be used to renovate an existing structure.
 3 In addition, up to ten percent of the grant funds may
 4 be used to provide each of the following service
 5 categories: day care, transportation, and recreation.

6 Program proposals shall include a contribution of
 7 at least twenty percent of the total costs of the
 8 program, which can include "in-kind" services.
 9 Partnerships between the public and private sectors to
 10 provide employment and training opportunities for
 11 youth served by the program are particularly
 12 encouraged. The budget for a proposed program shall
 13 not exceed two hundred thousand dollars per year.
 14 4. The department shall seek assistance from the
 15 first in the nation in education foundation
 16 established in chapter 257A and other foundations and
 17 public and private agencies in the evaluation of the
 18 programs funded under this section, and in the
 19 provision of support to school districts in developing
 20 and implementing the programs funded under this
 21 section.

22 5. The state board of education shall adopt rules
 23 under chapter 17A for the administration of this
 24 section.

25 **Sec. 70. NEW SECTION. 279.52 OPTIONAL FUNDING OF**
 26 **ASBESTOS PROJECTS.**

27 The board of directors may pay the actual cost of
 28 an asbestos project from any funds in the general fund
 29 of the district, funds received from the physical
 30 plant and equipment levy, funds received under the
 31 additional enrichment amount for an asbestos project,
 32 or moneys obtained through a federal asbestos loan
 33 program, to be repaid from any of the funds specified
 34 in this subsection.

35 For the purpose of this section, "cost of an
 36 asbestos project" includes the costs of inspection and
 37 reinspection, sampling, analysis, assessment, response
 38 actions, operations and maintenance, training,
 39 periodic surveillance, developing of management plans
 40 and recordkeeping requirements relating to the
 41 presence of asbestos in school buildings of the
 42 district and its removal or encapsulation.

43 **Sec. 71. NEW SECTION. 279.53 ADDITIONAL**
 44 **ENRICHMENT AMOUNT FOR ASBESTOS PROJECTS.**

45 1. A school board may raise an additional
 46 enrichment amount for purposes of funding an asbestos
 47 project under section 279.52 as provided in this
 48 section.

49 2. The board shall determine the additional
50 enrichment amount needed for an asbestos project,

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1 within the limits of this section, and shall direct
2 the county commissioner of elections to submit the
3 question of whether to raise that amount under this
4 section and section 279.54, to the qualified electors
5 of the school district at a regular school election
6 held during September of the base year or at a special
7 election held not later than February 15 of the base
8 year or February 15, 1995, whichever is earlier. Only
9 one election on the question shall be held during a
10 twelve-month period. If a majority of those voting on
11 the question favors raising the enrichment amount for
12 an asbestos project, the board may include the
13 approved amount in its certified budget.

14 3. The additional enrichment amount needed for an
15 asbestos project shall be raised within the limits
16 provided in this section by a combination of an
17 enrichment property tax and a school district income
18 surtax imposed in the proportion of a property tax of
19 twenty-seven cents per thousand dollars of assessed
20 valuation of taxable property in the district for each
21 five percent of income surtax.

22 4. The additional enrichment amount for a district
23 for an asbestos project is limited to the amount which
24 may be raised by a combination tax in the prescribed
25 proportion which does not exceed a property tax of one
26 dollar and sixty-two cents per thousand dollars of
27 assessed valuation and an income surtax of thirty
28 percent.

29 Sec. 72. NEW SECTION. 279.54 COMPUTATION OF
30 ENRICHMENT AMOUNT FOR AN ASBESTOS PROJECT.

31 If a majority of those voting in an election
32 approves raising the additional enrichment amount for
33 an asbestos project under section 279.53 and this
34 section, the board shall certify to the department of
35 management that the required procedures have been
36 carried out, and the department of management shall
37 establish the amount of additional enrichment property
38 tax to be levied and the amount of school district
39 income surtax to be imposed for each school year for
40 which the additional enrichment amount for an asbestos
41 project is authorized. The department of management
42 shall determine these amounts based upon the most
43 recent figures available for the district's valuation
44 of taxable property, individual state income tax paid,
45 and budget enrollment in the district, and shall

46 certify to the district's county auditor the amount of
47 enrichment property tax, and to the director of
48 revenue and finance the amount of school district
49 income surtax to be imposed.
50 The school district income surtax for an asbestos

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1 project shall be imposed on the state individual
2 income tax for the calendar year during which the
3 school's budget year begins, or for a taxpayer's
4 fiscal year ending during the second half of that
5 calendar year or the first half of the succeeding
6 calendar year, and shall be imposed on all individuals
7 residing in the school district on the last day of the
8 applicable tax year. As used in this section, "state
9 individual income tax" means the tax computed under
10 section 422.5, less the deductions allowed in sections
11 422.10 through 422.12.

12 An additional enrichment amount for an asbestos
13 project authorized under section 279.53 is authorized
14 for a period of three years. If the board wishes to
15 continue any additional enrichment amount for an
16 asbestos project beyond the period authorized, it
17 shall reestablish its authority to do so in the manner
18 provided in section 279.53 within the twelve-month
19 period prior to termination of the existing period.

20 Sec. 73. NEW SECTION. 279.55 STATUTES
21 APPLICABLE.

22 The director of revenue and finance shall
23 administer any school district income surtax imposed
24 under this chapter, and sections 422.20, 422.22 to
25 422.31, 422.68, and 422.72 through 422.75, apply in
26 respect to administration of the school district
27 income surtax.

28 Sec. 74. NEW SECTION. 279.56 FORM AND TIME OF
29 RETURN.

30 The school district income surtax imposed under
31 section 279.54 shall be made a part of the Iowa
32 individual income tax return subject to the conditions
33 and restrictions set forth in section 422.21.

34 Sec. 75. NEW SECTION. 279.57 DEPOSIT OF SCHOOL
35 DISTRICT INCOME SURTAX.

36 The director of revenue and finance shall deposit
37 the moneys received as school district income surtax
38 on or before November 1 of the year following the
39 close of the budget year for which the surtax is
40 imposed, to the credit of each district from which the
41 moneys are received, in a "school district income
42 surtax fund" which is established in the office of the

43 treasurer of state.

44 All school district surtax moneys received or
45 refunded after November 1 of the year following the
46 close of the school budget year for which the surtax
47 is imposed shall be deposited in or withdrawn from the
48 general fund of the state and shall be considered part
49 of the cost of administering the school district
50 surtax.

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1 Sec. 76. NEW SECTION. 279.58 SCHOOL DISTRICT
2 INCOME SURTAX CERTIFICATION.

3 On or before October 20 each year, the director of
4 revenue and finance shall make an accounting of the
5 school district income surtax collected under this
6 chapter applicable to tax returns for the last
7 preceding calendar year, or for fiscal year taxpayers,
8 on the last day of their tax year ending during that
9 calendar year and after the date of the election
10 approving the surtax, from taxpayers in each school
11 district in the state which has imposed a surtax, and
12 shall certify to the department of management and the
13 department of education the amount of total school
14 district income surtax credited from the taxpayers of
15 each school district. Additional returns in process,
16 if any, at the time of certification shall be
17 completed and the additional amount of school district
18 income surtax reported to the department of management
19 for distribution back to the school district with the
20 first installment of the following school year.

21 Sec. 77. NEW SECTION. 279.59 SCHOOL DISTRICT
22 INCOME SURTAX DISTRIBUTION.

23 The director of revenue and finance shall draw
24 warrants in payment of the amount of surtax payable to
25 each of the school districts in two installments to be
26 paid on approximately the first day of December and
27 the first day of February, and shall cause the
28 warrants to be delivered to the respective school
29 districts.

30 Sec. 78. Section 280.4, subsection 4, Code 1989,
31 is amended to read as follows:

32 4. In order to provide funds for the excess costs
33 of instruction of non-English-speaking students above
34 the costs of instruction of pupils in a regular
35 curriculum, students identified as non-English-
36 speaking are assigned an additional weighting of ~~two-~~
37 ~~tenths~~ and that weighting shall be included in the
38 weighted enrollment of the school district of
39 residence for a period not exceeding three years.

40 However, the school budget review committee may grant
 41 supplemental aid or modified allowable growth, to a
 42 school district to continue funding a program for
 43 students after the expiration of the three-year
 44 period. The school budget review committee shall
 45 calculate the additional amount for the weighting to
 46 the nearest one-hundredth of one so that, to the
 47 extent possible, the moneys generated by the weighting
 48 will be equivalent to the moneys generated by the two-
 49 tenths weighting provided prior to July 1, 1991.
 50 Sec. 79. Section 280.13A, unnumbered paragraph 3,

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1 Code 1989, is amended to read as follows:
 2 It is not necessary that school districts that are
 3 parties to an agreement under this section must be
 4 engaged in sharing academic programming and receiving
 5 supplementary weighting under section ~~442.39~~ 257.11.
 6 Sec. 80. Section 281.2, subsection 4, Code 1989,
 7 is amended to read as follows:
 8 4. ~~Any funds~~ Moneys received by the school
 9 district of the child's residence for the child's
 10 education, derived from ~~funds~~ moneys received through
 11 chapter ~~442~~ 257, this chapter, and section 273.9 shall
 12 be paid by the school district of the child's
 13 residence to the appropriate education agency, private
 14 agency, or other school district providing special
 15 education for the child pursuant to contractual
 16 arrangements as provided in section 273.3, subsections
 17 5 and 7.
 18 Sec. 81. Section 281.8, unnumbered paragraph 1,
 19 Code 1989, is amended to read as follows:
 20 It ~~shall not be~~ is not incumbent upon the school
 21 districts to keep a child requiring special education
 22 in regular instruction when the child cannot
 23 sufficiently profit from the work of the regular
 24 classroom, nor to keep ~~such a~~ child requiring special
 25 education in the special class or instruction for
 26 children requiring special education when it is
 27 determined by the director of special education of an
 28 area education agency that the child can no longer
 29 benefit from the instruction or needs more specialized
 30 instruction available in special schools. However,
 31 the school district shall count the child requiring
 32 special education in the enrollment as provided in
 33 sections 257.6, 273.9, and 281.9 and ~~442.4~~ and shall
 34 ~~insure~~ ensure that appropriate educational provisions
 35 are made for the child requiring special education
 36 within the limits of ~~funds~~ moneys available under ~~the~~

37 provisions of this chapter and chapters 257 and 273
38 and 442.

39 Sec. 82. Section 281.9, subsections 2, 4, and 9,
40 Code 1989, are amended to read as follows:

41 2. The weighting for each category of child
42 multiplied by the number of children in each category
43 in the enrollment of a school district, as identified
44 and certified by the director of special education for
45 the area, determines the weighted enrollment to be
46 used in that district for purposes of computations
47 required under the state school foundation plan in
48 chapter ~~442~~ 257.

49 4. On December 1, 1987, and no later than December
50 1 every two years thereafter, for the school year

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1 commencing the following July 1, the director of the
2 department of education shall report to the school
3 budget review committee the average costs of providing
4 instruction for children requiring special education
5 in the categories of the weighting plan established
6 under this section, and the director of the department
7 of education shall make recommendations to the school
8 budget review committee for needed alterations to make
9 the weighting plan suitable for subsequent school
10 years. The school budget review committee shall
11 establish the weighting plan for each school year
12 after the school year commencing July 1, 1987, and
13 shall report the plan to the director of the
14 department of education. Commencing December 1, 1990,
15 the school budget review committee may establish
16 weights to the nearest hundredth. The school budget
17 review committee shall not alter the weighting
18 assigned to pupils in a regular curriculum, but it may
19 increase or decrease the weighting assigned to each
20 category of children requiring special education by
21 not more than two-tenths of the weighting assigned to
22 pupils in a regular curriculum. The state board of
23 education shall adopt rules under chapter 17A, to
24 implement the weighting plan for each year and to
25 assist in identification and proper indexing of each
26 child in the state who requires special education.

27 9. Commencing with the school year beginning July
28 1, 1975, funds generated for special education
29 instructional programs under this chapter and chapter
30 ~~442~~ 257 shall not be expended for modifications of
31 school buildings to make them accessible to children
32 requiring special education. ~~Unencumbered funds~~
33 ~~generated for special education instructional programs~~

34 for the school years beginning July 1, 1975 and July
35 1, 1976, shall not be expended for such purpose unless
36 approved by the department of public instruction based
37 upon applications received by the department prior to
38 January 1, 1978 and approved prior to April 1, 1978:
39 Sec. 83. Section 282.3, subsection 1, Code 1989,
40 is amended to read as follows:
41 1. The board may exclude from school children
42 under the age of six years when in its judgment such
43 children are not sufficiently mature to be benefited
44 by regular instruction; or any incorrigible child or
45 any child who in its judgment is so abnormal that
46 regular instruction would be of no substantial
47 benefit, or any child whose presence in school may be
48 injurious to the health or morals of other pupils or
49 to the welfare of such school. However, the board
50 shall provide special education programs and services

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1 under the provisions of chapters 257, 273, and 281,
2 and 442 for all children requiring special education.
3 Sec. 84. Section 282.7, subsection 3, Code 1989,
4 is amended to read as follows:
5 3. Notwithstanding ~~section~~ sections 28E.9 and
6 282.8 and section 28E.9, a school district may
7 negotiate an agreement under subsection 1 for
8 attendance of its pupils in a school district located
9 in a contiguous state subject to a reciprocal
10 agreement by the two state boards in the manner
11 provided in this subsection. Prior to negotiating an
12 agreement with the school district in the contiguous
13 state, the board of directors shall file a written
14 request with the state board of education for a
15 determination whether the school district in the
16 contiguous state meets requirements substantially
17 similar to those required for accredited or approved
18 school districts in this state and the school district
19 receives or has available services equivalent to those
20 that would be provided in this state by an area
21 education agency. The school district shall also
22 obtain approval by the department of education of the
23 sharing proposal, before the agreement becomes
24 effective. Six months ~~prior to before~~ making the
25 request for approval, the district shall request a
26 feasibility study from the department of education.
27 If the state board of this state and the corresponding
28 state board in the contiguous state agree that the
29 school districts of their respective states meet
30 substantially similar requirements and have

31 substantially similar services available to the school
32 district, and if the Iowa department of education
33 approves the proposed contract, the two state boards
34 may sign a reciprocal agreement for attendance of
35 their pupils in the school district of the other
36 state, subject to the agreement signed between the
37 boards of directors of the two districts. A school
38 district that negotiates an agreement with a school
39 district in a contiguous state under this subsection
40 is not eligible for supplementary weighting under
41 section ~~442.39~~ 257.11 as a result of that agreement.
42 Sec. 85. Section 282.24, subsection 1, unnumbered
43 paragraph 1, Code 1989, is amended to read as follows:
44 ~~There is established a~~ The maximum tuition fee that
45 may be charged for elementary and high school students
46 residing within another school district or corporation
47 except students attending school in another district
48 under section 282.7, subsection 1, or subsections 1
49 and 3: ~~That fee,~~ is the district cost per pupil of
50 the receiving district as computed in section ~~442.9,~~

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1 ~~subsection 1, paragraph "a"~~ 257.10.
2 Sec. 86. Section 282.28, unnumbered paragraph 2,
3 Code 1989, is amended to read as follows:
4 The area education agency shall submit a claim to
5 the department of education by August 1 following the
6 school year for the actual costs of the special
7 education programs and services provided at the
8 training school and juvenile home. The department
9 shall review and approve or modify the claims by
10 September 1 and shall notify the department of revenue
11 and finance of the approved claim amount. The total
12 amount of the approved claim shall be paid by the
13 department of revenue and finance to the area
14 education agency by October 1. The total amount paid
15 by the department of revenue and finance shall be
16 deducted monthly from the state foundation aid paid
17 under section ~~442.26~~ 257.16 during the remainder of
18 that fiscal year to all school districts in the state.
19 The portion of the total amount of the approved claim
20 that shall be deducted from the state aid of a school
21 district shall be the same as the ratio that the
22 budget enrollment for the budget year of the school
23 district bears to the total budget enrollment in the
24 state for that budget year. The department of revenue
25 and finance shall transfer the total amount of the
26 approved claim from the moneys appropriated under

27 section ~~442.26~~ 257.16 for payment to the area
28 education agency.
29 Sec. 87. Section 282.31, subsection 1, paragraph
30 a, Code 1989, is amended to read as follows:
31 a. A child who lives in a facility pursuant to
32 section 282.30, subsection 1, paragraph "a", and who
33 is not enrolled in the educational program of the
34 district of residence of the child, shall receive
35 appropriate educational services. The area education
36 agency shall submit a proposed program and budget to
37 the department of education by January 1 for the next
38 succeeding school year. The department of education
39 shall review and approve or modify the program and
40 proposed budget and shall notify the area education
41 agency by February 1. The area education agency shall
42 submit a claim to the department of education by
43 August 1 following the school year for the actual cost
44 of the program. The department shall review and
45 approve or modify all expenditures incurred in
46 compliance with the guidelines pursuant to section
47 256.7, subsection 12, and shall notify the department
48 of revenue and finance of the approved claim amount by
49 September 1. The total amount of the approved claim
50 shall be paid by the department of revenue and finance

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1 to the area education agency by October 1. The total
2 amount paid by the department of revenue and finance
3 shall be deducted monthly from the state school
4 foundation aid paid under section ~~442.26~~ 257.16 during
5 the remainder of that fiscal year to all school
6 districts in the state. The portion of the total
7 amount of the approved claims that shall be deducted
8 from the state aid of a school district shall be the
9 same as the ratio that the budget enrollment for the
10 budget year of the school district bears to the total
11 budget enrollment in the state for that budget year.
12 The department of revenue and finance shall transfer
13 the total amount of the approved claims from the
14 moneys appropriated under section ~~442.26~~ 257.16 for
15 payment to the area education agencies.
16 Sec. 88. Section 282.31, subsection 3, Code 1989,
17 is amended to read as follows:
18 3. The actual special education instructional
19 costs, including transportation, for a child who
20 requires special education shall be paid by the
21 department of revenue and finance to the school
22 district in which the facility or home is located,
23 only when a district of residence cannot be

24 determined, and the child was not included in the
25 weighted enrollment of any district pursuant to
26 section 281.9, and the payment pursuant to subsection
27 2, paragraph "a", was not made by any district. The
28 district shall submit a proposed program and budget to
29 the department of education by January 1 for the next
30 succeeding school year. The department of education
31 shall review and approve or modify the program and
32 proposed budget and shall notify the district by
33 February 1. The district shall submit a claim by
34 August 1 following the school year for the actual cost
35 of the program. The department shall review and
36 approve or modify the claim and shall notify the
37 department of revenue and finance of the approved
38 claim amount by September 1. The total amount of the
39 approved claim shall be paid by the department of
40 revenue and finance to the school district by October
41 1. The total amount paid by the department of revenue
42 and finance shall be deducted monthly from the state
43 foundation aid paid under section ~~442.26~~ 257.16 during
44 the remainder of that fiscal year to all school
45 districts in the state. The portion of the total
46 amount of the approved claims that shall be deducted
47 from the state aid of a school district shall be the
48 same as the ratio that the budget enrollment for the
49 budget year of the school district bears to the total
50 budget enrollment in the state for the budget year.

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1 The department of revenue and finance shall transfer
2 the total amount of the approved claims from moneys
3 appropriated under section ~~442.26~~ 257.16 for payment
4 to the school district.

5 Sec. 89. Section 283A.9, Code 1989, is amended to
6 read as follows:

7 283A.9 BUILDING FOR SCHOOL LUNCH FACILITY.

8 School districts ~~are authorized to~~ may purchase,
9 erect, or otherwise acquire a building for use as a
10 school lunch facility, and ~~to equip such a building~~
11 ~~for such that use, and pay for same the acquisition or~~
12 equipping from unencumbered funds on hand in the
13 schoolhouse fund ~~derived from taxes voted under~~
14 ~~authority of section 278.1, subsection 7, or 276.32,~~
15 subject to the terms of this section, or may pay for
16 same the facility or equipment from the proceeds of
17 the sale of school property sold under section 297.22,
18 or from surplus remaining in the schoolhouse fund
19 ~~after retirement of a bond issue; or from a tax voted~~
20 ~~for said purposes.~~

21 Sec. 90. Section 285.2, unnumbered paragraph 3,
22 Code 1989, is amended to read as follows:

23 The costs of providing transportation to nonpublic
24 school pupils as provided in section 285.1 shall not
25 be included in the computation of district cost under
26 chapter ~~442 257~~, but shall be shown in the budget as
27 an expense from miscellaneous income. Any
28 transportation reimbursements received by a local
29 school district for transporting nonpublic school
30 pupils shall not affect district cost limitations of
31 chapter ~~442 257~~. The reimbursements provided in this
32 section are miscellaneous income as defined in section
33 ~~442-5 257.2~~.

34 Sec. 91. Section 286A.2, subsections 3, 4, and 5,
35 Code 1989, are amended to read as follows:

36 3. "Base year" means base year as defined in
37 section ~~442-6 257.2~~.

38 4. "Budget year" means budget year as defined in
39 section ~~442-6 257.2~~.

40 5. "State percent of growth" is the state percent
41 of growth calculated under section ~~442-7 257.8~~.

42 Sec. 92. Section 286A.14, subsection 1, unnumbered
43 paragraph 1, Code 1989, is amended to read as follows:

44 1. An area school budget review procedure is
45 established for the school budget review committee
46 created in section ~~442-12 257.28~~. The school budget
47 review committee, in addition to its duties under
48 chapter ~~442 257~~, shall meet and hold hearings each
49 year under this chapter to review unusual
50 circumstances of area schools, either upon the

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1 committee's motion or upon the request of an area
2 school. The committee may grant supplemental aid to
3 the area school from funds appropriated to the
4 department of education for area school budget review
5 purposes, or an amount may be added to the area school
6 allowable growth for all cost centers and area school
7 allowable growth for noninstructional functions for
8 the budget year either on a temporary or permanent
9 basis, or the committee may allow both.

10 Sec. 93. Section 291.13, Code 1989, is amended to
11 read as follows:

12 291.13 GENERAL AND SCHOOLHOUSE FUNDS.

13 The money collected by ~~a tax authorized by the~~
14 electors the regular and voter-approved physical plant
15 and equipment levies or the proceeds of the sale of
16 bonds authorized by law or the proceeds of a tax
17 estimated and certified by the board for the purpose

18 of paying interest and principal on lawful bonded
 19 indebtedness ~~or for the purchase of sites as~~
 20 ~~authorized by law~~, shall be called deposited in the
 21 schoolhouse fund and, except when authorized by the
 22 electors, may be used only for the purpose for which
 23 originally authorized or certified. The money
 24 collected by the district management levy shall be
 25 deposited in a subfund of the general fund of the
 26 school district. All other moneys received for any
 27 other purpose shall be called deposited in the general
 28 fund. The treasurer shall keep a separate account
 29 ~~with for each fund, paying no and shall not pay an~~
 30 order that fails to state the fund upon which it is
 31 drawn and the specific use to which it is to be
 32 applied.

33 Sec. 94. Section 294A.2, subsections 1 and 2, Code
 34 1989, are amended to read as follows:

35 1. "Certified enrollment in a school district" for
 36 the school years beginning July 1, 1987, July 1, 1988,
 37 and July 1, 1989, means that district's basic
 38 enrollment for the budget year beginning July 1, 1987
 39 as defined in section 442.4, Code 1989. For each
 40 school year thereafter, certified enrollment in a
 41 school district means that district's basic enrollment
 42 for the budget year as defined in section 257.2.

43 2. "Enrollment served" for the fiscal years
 44 beginning July 1, 1987, July 1, 1988, and July 1,
 45 1989, means that area education agency's enrollment
 46 served for the budget year beginning July 1, 1987.
 47 For each school year thereafter, enrollment served
 48 means that area education agency's enrollment served
 49 for the budget year. Enrollment served shall be
 50 determined under section ~~442.27, subsection 12~~ 257.34.

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1 Sec. 95. Section 294A.9, unnumbered paragraph 1,
 2 Code 1989, is amended to read as follows:
 3 Phase II is established to improve the salaries of
 4 teachers. For each fiscal year through the fiscal
 5 year beginning July 1, 1990, the department of
 6 education shall allocate to each school district for
 7 the purpose of implementing phase II ~~an a per pupil~~
 8 amount equal to seventy-five dollars and ninety-three
 9 cents multiplied by the district's certified
 10 enrollment and to each area education agency for the
 11 purpose of implementing phase II ~~an a per pupil~~ amount
 12 equal to three dollars and fifty-five cents multiplied
 13 by the enrollment served in the area education agency;
 14 ~~if the general assembly has appropriated sufficient~~

15 moneys to the fund so that pursuant to section 294A.3,
 16 thirty-eight million five hundred thousand dollars
 17 will be allocated by the department to school
 18 districts and area education agencies for phase II.
 19 If, because of the amount of the appropriation made by
 20 the general assembly to the fund, less than thirty-
 21 eight million five hundred thousand dollars is
 22 allocated for phase II, the department of education
 23 shall adjust the amount for each student in certified
 24 enrollment and each student in enrollment served based
 25 upon the amount allocated for phase II.
 26 Notwithstanding the per pupil amount of the payments
 27 specified in this section, for the fiscal year
 28 beginning July 1, 1991, and each succeeding fiscal
 29 year, the per pupil amounts upon which the phase II
 30 moneys are based shall be increased by an amount equal
 31 to the product of the state percent of growth
 32 calculated under section 257.8 and the per pupil
 33 amount for the previous fiscal year.

34 Sec. 96. Section 294A.14, Code 1989, is amended by
 35 adding the following new unnumbered paragraph after
 36 unnumbered paragraph 1:

37 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
 38 amount per pupil of the payments specified in this
 39 section, for the fiscal year beginning July 1, 1991,
 40 and succeeding fiscal years, if a school district's or
 41 area education agency's approved phase III plan for a
 42 fiscal year contains a component that includes a
 43 performance-based pay plan, the per pupil amount upon
 44 which the phase III moneys are based shall be
 45 increased by an amount equal to the product of the
 46 state percent of growth calculated under section 257.8
 47 and the per pupil amount for the previous fiscal year.

48 Sec. 97. Section 294A.14, unnumbered paragraph 4,
 49 Code 1989, is amended to read as follows:

50 For the purpose of this section, a performance-

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1 based pay plan shall provide for salary increases for
 2 teachers who demonstrate superior performance in
 3 completing assigned duties take action to achieve
 4 superior performance through participation in
 5 additional course work, in-service programs,
 6 comprehensive school transformation programs,
 7 activities for students, comprehensive goal-oriented
 8 compensation mechanisms, or innovative education
 9 programs. The plan shall include the method used to
 10 determine superior performance of a teacher. For
 11 school districts, the plan may include assessments of

12 specific teaching behavior, assessments of student
13 performance, assessments of other characteristics
14 associated with effective teaching, or a combination
15 of these criteria.

16 Sec. 98. Section 294A.22, Code 1989, is amended to
17 read as follows:

18 294A.22 PAYMENTS.

19 Payments for each phase of the educational
20 excellence program shall be made by the department of
21 revenue and finance on a quarterly basis, and the
22 payments shall be separate from state aid payments
23 made pursuant to sections ~~442.25~~ 257.16 and ~~442.26~~
24 257.32. ~~For the school year beginning July 1, 1987,~~
25 ~~the first quarterly payment shall be made not later~~
26 ~~than October 15, 1987 taking into consideration the~~
27 ~~relative budget and cash position of the state~~
28 ~~resources~~. The payments to a school district or area
29 education agency may be combined and a separate
30 accounting of the amount paid for each program shall
31 be included.

32 Any payments made to school districts or area
33 education agencies under this chapter are
34 miscellaneous income for purposes of chapter ~~442~~ 257.

35 Sec. 99. Section 294A.25, subsection 1, Code 1989,
36 is amended to read as follows:

37 1. ~~For each fiscal year commencing with the fiscal~~
38 ~~year beginning July 1, 1987~~ 1990, there is
39 appropriated from the general fund of the state to the
40 department of education the amount of ninety-two
41 million one hundred thousand eighty-five dollars to be
42 used to improve teacher salaries. For each fiscal
43 year thereafter, there is appropriated an amount equal
44 to the amount appropriated for the fiscal year
45 beginning July 1, 1990, plus an amount sufficient to
46 pay the costs of the additional funding provided for
47 school districts and area education agencies under
48 sections 294A.9 and 294A.14. The moneys shall be
49 distributed as provided in this section.

50 Sec. 100. Section 294A.25, subsection 5, Code

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1 1989, is amended to read as follows:

2 5. For each the fiscal year beginning July 1,
3 1991, and succeeding fiscal years, the remainder of
4 moneys appropriated in subsection 1 to the department
5 of education shall be deposited in the educational
6 excellence fund to be allocated in an amount to meet
7 the minimum salary requirements of this chapter for
8 phase I, in an amount of ~~thirty-eight million five~~

9 ~~hundred thousand dollars to meet the requirements for~~
10 phase II, and the remainder of the appropriation for
11 phase III.

12 Sec. 101. Section 296.7, Code 1989, is amended to
13 read as follows:

14 296.7 INDEBTEDNESS FOR INSURANCE AUTHORIZED -- TAX
15 LEVY.

16 A school district or merged area school corporation
17 is ~~authorized to may~~ contract indebtedness and ~~to~~
18 issue general obligation bonds or enter into insurance
19 agreements obligating the school district or
20 corporation to make payments beyond its current budget
21 year to procure or provide for a policy of insurance,
22 a self-insurance program, or establish and maintain a
23 local government risk pool to protect the school
24 district or corporation from tort liability, loss of
25 property, environmental hazards, or any other risk
26 associated with the operation of the school district
27 or corporation. Taxes for the payment of the
28 principal, premium, or interest on ~~such a bond the~~
29 bonds, the payment of ~~such an the premium on the~~
30 insurance policy, the payment of the costs of ~~such a~~
31 self-insurance program, the payment of the costs of
32 ~~such~~ a local government risk pool, and the payment of
33 ~~any~~ amounts payable under ~~any such an~~ insurance
34 agreement authorized in this section may be levied in
35 excess of any tax limitation imposed by statute.

36 However, for a school district, a tax levied under
37 this section shall be included in the district
38 management levy under section 298.4. Such a self-
39 insurance program or local government risk pool is not
40 insurance and is not subject to regulation under
41 chapters 505 through 523C. However, those self-
42 insurance plans regulated pursuant to section 509A.14
43 shall remain subject to the requirements of section
44 509A.14 and rules adopted pursuant to that section.

45 If the board by resolution restricts the use of
46 money in a fund as a reserve for uninsured liability
47 or a self-insurance program, the use shall be
48 restricted and unavailable for any other purpose until
49 the board removes the restriction. The removal is not
50 effective until all obligations of the restricted fund

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1 have been satisfied, or the next fiscal year,
2 whichever occurs later.

3 Sec. 102. NEW SECTION. 297.35 CONTINUATION OF
4 LOAN AGREEMENT.

5 A loan agreement between a school district and a
6 bank, investment banker, trust company, insurance
7 company, or insurance group that was made under
8 section 297.36, Code 1989, prior to July 1, 1991, in
9 order to make immediately available proceeds of the
10 schoolhouse tax approved by the voters prior to July
11 1, 1991, and the levy of taxes to pay principal and
12 interest thereafter shall continue in effect for the
13 duration of the loan agreement.

14 Sec. 103. Section 297.36, Code 1989, is amended to
15 read as follows:

16 297.36 LOAN AGREEMENTS.

17 In order to make immediately available proceeds of
18 the ~~schoolhouse tax~~ voter-approved physical plant and
19 equipment levy which has been approved by the voters
20 as provided in section ~~278.1, subsection 7~~ 298.2, the
21 board of directors may, with or without notice, borrow
22 money and enter into loan agreements in anticipation
23 of the collection of the tax with a bank, investment
24 banker, trust company, insurance company, or insurance
25 group.

26 By resolution, the board shall provide for an
27 annual levy which is within the limits of the ~~tax~~
28 ~~approved by the voters~~ voter-approved physical plant
29 and equipment levy to pay for the amount of the
30 principal and interest due each year until maturity.
31 The board shall file a certified copy of the
32 resolution with the auditor of each county in which
33 the district is located. The filing of the resolution
34 with the auditor ~~shall make~~ makes it the duty of the
35 auditor to annually levy the amount certified for
36 collection until funds are realized to repay the loan
37 and interest on the loan in full.

38 The loan must mature within the period of time
39 authorized by the voters and shall bear interest at a
40 rate which does not exceed the limits ~~provided~~ under
41 chapter 74A. A loan agreement entered into pursuant
42 to this section shall be in a form as the board of
43 directors shall by resolution provide and the loan
44 shall be payable as to both principal and interest
45 from the proceeds of the annual levy of the ~~voted tax~~
46 pursuant to section 278.1, subsection 7 voter-approved
47 physical plant and equipment levy, or so much thereof
48 as will be sufficient to pay the loan and interest on
49 the loan.

50 The proceeds of a loan must be deposited in a fund

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1 which is separate from other district funds. Warrants
 2 paid from this fund must be for purposes authorized by
 3 ~~the voters as provided in section 278.1, subsection 7~~
 4 ~~for the voter-approved physical plant and equipment~~
 5 ~~levy.~~

6 This section does not limit the authority of the
 7 board of directors to levy the full amount of the
 8 ~~voted tax voter-approved physical plant and equipment~~
 9 ~~levy~~, but if and to whatever extent the tax is levied
 10 in any year in excess of the amount of principal and
 11 interest falling due in that year under a loan
 12 agreement, the first available proceeds, to an amount
 13 sufficient to meet maturing installments of principal
 14 and interest under the loan agreement, shall be paid
 15 into the sinking fund for the loan before the taxes
 16 are otherwise made available to the school corporation
 17 for other school purposes, and the amount required to
 18 be annually set aside to pay principal of and interest
 19 on the money borrowed under the loan agreement ~~shall~~
 20 ~~constitute~~ constitutes a first charge upon the
 21 proceeds of the ~~special voted tax voter-approved~~
 22 ~~physical plant and equipment levy~~, which tax shall be
 23 pledged to pay the loan and the interest on the loan.

24 This section is supplemental and in addition to
 25 existing statutory authority to finance the purposes
 26 specified in section ~~278.1, subsection 7~~ 298.2 for the
 27 physical plant and equipment levy, and for the
 28 borrowing of money and execution of loan agreements in
 29 connection with that section ~~and subsection~~, and is
 30 not subject to any other law. The fact that a school
 31 corporation may have previously borrowed money and
 32 entered into loan agreements under authority of this
 33 section does not prevent the school corporation from
 34 borrowing additional money and entering into further
 35 loan agreements if the aggregate of the amount payable
 36 under all of the loan agreements does not exceed the
 37 proceeds of the ~~voted tax voter-approved physical~~
 38 ~~plant and equipment levy~~.

39 Sec. 104 Section 298.1, Code 1989, is amended to
 40 read as follows:

41 298.1 SCHOOL TAXES.

42 The board of each school district shall estimate
 43 the amount of the proposed expenditures and proposed
 44 receipts for the general school purposes at at time and
 45 in a manner to effectuate the provisions of chapter
 46 ~~442 257~~ and sections 281.9 and 281.11. Compliance
 47 with chapter 24 shall be observed.

48 Sec. 105. NEW SECTION. 298.2 IMPOSITION OF

49 PHYSICAL PLANT AND EQUIPMENT LEVY.

50 1. A physical plant and equipment levy of not

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1 exceeding one dollar per thousand dollars of assessed
2 valuation in the district is established. The
3 physical plant and equipment levy consists of the
4 regular physical plant and equipment levy of not
5 exceeding thirty-three cents per thousand dollars of
6 assessed valuation in the district and a voter-
7 approved physical plant and equipment levy consisting
8 of a property tax levy not exceeding sixty-seven cents
9 per thousand dollars of assessed valuation in the
10 district or at the option of the board of directors a
11 combination of a property tax levy and income surtax
12 that will raise an amount equal to a property tax levy
13 of sixty-seven cents per thousand dollars of assessed
14 valuation. The combination of the property tax levied
15 under this section and the income surtax imposed under
16 this section shall be imposed in the proportion of a
17 property tax of twenty-seven cents per thousand
18 dollars of assessed valuation of taxable property in
19 the district for each five percent of income surtax.
20 If an income surtax will be imposed, the board shall
21 certify the results of the election held under
22 subsection 3 to the department of management. The
23 department of management shall establish the amount of
24 the property tax to be levied and the amount of the
25 income surtax to be imposed for each school year that
26 the levy is authorized.

27 If a combination of a property tax and income
28 surtax is used, the property tax and income surtax
29 shall be levied and imposed in the same manner as
30 provided for the instructional support program in
31 sections 257.20 through 257.26. The levy limitations
32 of this subsection are subject to subsection 5.

33 2. The board of directors of a school district may
34 certify for levy by March 15 of a school year a tax on
35 all taxable property in the school district for the
36 regular physical plant and equipment levy.

37 3. The board may, and upon the written request of
38 twenty-five eligible electors of a district having a
39 population of five thousand or less or of fifty
40 eligible electors of any other district shall, direct
41 the county commissioner of elections to provide for
42 submitting the proposition of levying the voter-
43 approved physical plant and equipment levy for a
44 period of time authorized by the voters in the notice
45 of election. The ballot proposition shall contain the

46 question of whether to impose the levy and shall
47 specify whether the revenues to be raised will be
48 raised by a property tax levy or by a combination of a
49 property tax and an income surtax. The proposition is
50 adopted if a majority of those voting on the

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1 proposition approves it.
2 4. The proposition to levy the voter-approved
3 physical plant and equipment levy is not affected by a
4 change in the boundaries of the school district,
5 except as otherwise provided in this section. If each
6 school district involved in a school reorganization
7 under chapter 275 has adopted the voter-approved
8 physical plant and equipment levy and if the voters
9 have not voted upon the proposition to levy the voter-
10 approved physical plant and equipment levy in the
11 reorganized district, the existing voter-approved
12 physical plant and equipment levy is in effect for the
13 reorganized district for the least amount and the
14 shortest time for which it is in effect in any of the
15 districts.

16 Authorized levies for the period of time approved
17 are not affected as a result of a failure of a
18 proposition proposed to expand the purposes for which
19 the funds may be expended.

20 5. If the board of directors of a school district
21 in which the voters have authorized the schoolhouse
22 tax prior to July 1, 1991, has entered into a rental
23 or lease arrangement under section 279.26, Code 1989,
24 or has entered into a loan agreement under section
25 297.36, Code 1989, the levy shall continue for the
26 period authorized and the maximum property tax levy,
27 in subsection 1 or subsection 3, as applicable, that
28 can be authorized under the voter-approved physical
29 plant and equipment levy is reduced by the rate of the
30 schoolhouse tax.

31 Sec. 106. NEW SECTION. 298.3 REVENUES FROM THE
32 LEVIES.

33 The revenue from the regular and voter-approved
34 physical plant and equipment levies shall be placed in
35 the schoolhouse fund and expended only for the
36 following purposes:

37 1. The purchase and improvement of grounds. For
38 the purpose of this section: "purchase of grounds"
39 includes the legal costs relating to the property
40 acquisition, costs of surveys of the property, costs
41 of relocation assistance under state and federal law,
42 and other costs incidental to the property

43 acquisition. "Improvement of grounds" includes
 44 grading, landscaping, paving, seeding, and planting of
 45 shrubs and trees; constructing sidewalks, roadways,
 46 retaining walls, sewers and storm drains, and
 47 installing hydrants; surfacing and soil treatment of
 48 athletic fields and tennis courts; furnishings and
 49 installing flagpoles, gateways, fences, and
 50 underground storage tanks which are not parts of

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1 building service systems; demolition work; and special
 2 assessments against the school district for public
 3 improvements, as defined in section 384.37.
 4 2. The construction of schoolhouses or buildings
 5 and opening roads to schoolhouses or buildings.
 6 3. The purchase of buildings and the purchase of a
 7 single unit of equipment exceeding five thousand
 8 dollars in value.
 9 4. The payment of debts contracted for the
 10 erection or construction of schoolhouses or buildings,
 11 not including interest rates on bonds.
 12 5. Procuring or acquisition of libraries.
 13 6. Repairing, remodeling, reconstructing,
 14 improving, or expanding the schoolhouses or buildings
 15 and additions to existing schoolhouses.
 16 For the purpose of this subsection, "repairing"
 17 means to restore an existing structure or thing to its
 18 original condition, as near as may be, after decay,
 19 waste, injury, or partial destruction, but does not
 20 include maintenance; and "reconstruction" means to
 21 rebuild or to restore as an entity a thing which was
 22 lost or destroyed.
 23 7. Expenditures for energy conservation.
 24 8. The rental of facilities under chapter 28E.
 25 9. Purchase of transportation equipment for
 26 transporting students.
 27 10. Lease-purchase option agreements for school
 28 building.
 29 11. Equipment purchases for recreational purposes.
 30 Interest earned on money in the schoolhouse fund
 31 may be expended for a purpose listed in this section.
 32 Sec.107. NEW SECTION. 298.4 DISTRICT MANAGEMENT
 33 LEVY.
 34 The board of directors of a school district may
 35 certify for levy by March 15 of a school year, a tax
 36 on all taxable property in the school for a district
 37 management levy. The revenue from the tax levied in
 38 this section shall be placed in a district management
 39 subfund of the general fund of the school district and

40 expended only for the following purposes:

41 1. To pay the costs of executive administration.

42 2. To pay the cost of unemployment benefits as
43 provided in section 96.31.

44 3. To pay the costs of liability insurance and the
45 costs of a judgment or settlement relating to
46 liability together with interest accruing on the
47 judgment or settlement to the expected date of
48 payment.

49 4. To pay the costs of insurance agreements under
50 section 296.7.

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1 5. To pay the costs of a judgment under section
2 298.16.

3 6. To pay the cost of early retirement benefits to
4 employees under section 279.46.

5 Sec. 108. Section 298.9, Code 1989, is amended to
6 read as follows:

7 298.9 SPECIAL LEVIES.

8 If a ~~schoolhouse tax~~ the voter-approved physical
9 plant and equipment levy is voted at a special
10 election and certified to said the board after the
11 regular levy is made, ~~it the~~ board shall at its next
12 regular meeting levy ~~such the~~ tax and cause ~~the same~~
13 it to be forthwith entered upon the tax list to be
14 collected as other school taxes. If the certification
15 is ~~so~~ filed prior to April 1, ~~said the~~ annual levy
16 shall begin with the tax levy of the year of filing.
17 If the certification is filed after April 1 in ~~any a~~
18 year, ~~such the~~ levy shall begin with the levy of the
19 fiscal year succeeding the year of the filing of ~~such~~
20 the certification.

21 Sec. 109. Section 298.10, Code 1989, is amended to
22 read as follows:

23 298.10 LEVY FOR CASH RESERVE.

24 The board of directors of a school district may
25 certify for levy by March 15 of a school year, a tax
26 on all taxable property in the school district in
27 order to raise an amount for a necessary cash reserve
28 for a school district's general fund. The amount
29 raised for a necessary cash reserve does not increase
30 a school district's authorized expenditures as defined
31 in section ~~442.5, subsection 2~~ 257.7.

32 Sec. 110 Section 298.16, Code 1989, is amended to
33 read as follows:

34 298.16 JUDGMENT TAX.

35 If the proper fund is not sufficient, then, unless
36 its board has provided by the issuance of bonds for

37 raising the amount necessary to pay ~~such a~~ judgment,
 38 the voters thereof shall at their regular election
 39 vote a sufficient tax for the purpose ~~cost of the~~
 40 judgment shall be included in the district management
 41 levy.

42 Sec. 111. Section 301.30, unnumbered paragraph 3,
 43 Code 1989, is amended to read as follows:

44 The costs of providing textbook services to
 45 nonpublic school pupils as provided in section 301.1
 46 shall not be included in the computation of district
 47 cost under chapter ~~442 257~~, but shall be shown in the
 48 budget as an expense from miscellaneous income. Any
 49 textbook reimbursements received by a local school
 50 district for serving nonpublic school pupils shall not

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1 affect district cost limitations of chapter ~~442 257~~.
 2 The reimbursements provided in this section are
 3 miscellaneous income as defined in section ~~442-5~~
 4 257.2.

5 Sec. 112. Section 331.512, subsection 12, Code
 6 1989, is amended to read as follows:

7 12. Carry out duties relating to levy of school
 8 taxes as provided in chapter ~~442 257~~.

9 Sec. 113. Section 422.9, subsection 6, unnumbered
 10 paragraph 3, Code 1989, is amended to read as follows:

11 ~~The provisions of this~~ This subsection shall do
 12 not affect the amount of the taxpayer's checkoff to
 13 the Iowa election campaign fund under section 56.18,
 14 the checkoff for the fish and game protectio fund in
 15 section 107.16, the credits from tax provided in
 16 sections 422.10, ~~422-11A~~, and through 422.12 and the
 17 allocation of these credits between spouses if the
 18 taxpayers filed separate returns or separately on
 19 combined returns, or the amount of the taxpayer's
 20 school district income surtax liability under ~~section~~
 21 ~~442-15~~ sections 257.19, 257.21, 279.54, and 298.2 as
 22 these items were properly computed or claimed on
 23 taxpayers' returns.

24 Sec. 114. Section 442.2, subsection 1, unnumbered
 25 paragraph 3, Code 1989, is amended to read as follows:

26 For purposes of this section, a reorganized school
 27 district is one which absorbed at least thirty percent
 28 of the enrollment of the school district affected by a
 29 reorganization or dissolved during a dissolution and
 30 in which reorganization or dissolution was approved in
 31 an election pursuant to sections 275.18 and 275.20 or
 32 section 275.55 prior to July 1, 1989, and the
 33 reorganization or dissolution takes effect on or after

34 July 1, 1988.

35 Sec. 115. Section 442.2, Code 1989, is amended by
 36 adding the following new unnumbered paragraph:
 37 NEW UNNUMBERED PARAGRAPH. The reduced property tax
 38 rates of those reorganized districts that meet the
 39 requirements of this section shall continue to
 40 increase as provided in this section until they reach
 41 five dollars and forty cents.

42 Sec. 116. Section 442.9, subsection 1, paragraph
 43 a, unnumbered paragraph 1, Code 1989, is amended to
 44 read as follows:

45 As used in this chapter, regular program district
 46 cost per pupil for the budget year is equal to the
 47 regular program district cost per pupil for the base
 48 year plus the allowable growth. However, regular
 49 program district cost per pupil does not include
 50 additional allowable growth added for programs for

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1 ~~gifted and talented children~~, for programs for
 2 returning dropouts, and for educational improvement
 3 projects under chapter 260A, for special education
 4 support services costs, or for school districts that
 5 have a negative balance of funds raised for special
 6 education instruction programs under section 422.13,
 7 subsection 14, paragraph "b", and does not include
 8 additional allowable growth established by the school
 9 budget review committee for a single school year only.

10 Sec. 117. Section 442.9A, unnumbered paragraph 4,
 11 Code 1989, is amended to read as follows:

12 For purposes of this section, a reorganized school
 13 district is one in which reorganization was approved
 14 in an election pursuant to sections 275.18 and 275.20
 15 prior to July 1, 1989, and will take effect on or
 16 after July 1, 1986.

17 Sec. 118. Section 442.39, subsection 4, Code 1989,
 18 is amended to read as follows:

19 4. Pupils enrolled in a school district in which
 20 ~~one or more administrators are the superintendent is~~
 21 employed jointly under section 280.15, - or in which one
 22 ~~or more administrators are employed under section~~
 23 273.7A, are assigned a weighting of one plus five-
 24 ~~hundredths twenty-five thousandths~~ for each
 25 ~~administrator superintendent~~ who is jointly employed
 26 times the percent of the ~~administrator's~~
 27 ~~superintendent's~~ time in which the ~~administrator~~
 28 ~~superintendent~~ is employed in the school district.
 29 However, the total additional weighting assigned under
 30 this subsection for a budget year for a school

31 district is ~~fifteen~~ seven and one-half and the total
 32 additional weighting that may be added cumulatively to
 33 the enrollment of school districts sharing an
 34 administrator a superintendent is twenty-five twelve
 35 and one-half.

36 For the purposes of this section, "administrators"
 37 includes the following:

38 a. Executive administrator, which includes the
 39 superintendent and such assistants as deputy,
 40 associate, and assistant superintendents who perform
 41 activities in the general direction and management of
 42 the affairs of the local school districts.

43 b. School administrators, which includes assistant
 44 principals, and other assistants in general
 45 supervision of th operations of the school. Schools
 46 administrator does not include principals.

47 c. Businss administrators, which includes
 48 personnel associated with activities concerned with
 49 purchasing, paying for, transporting, exchanging, and
 50 maintaining goods and services for the school

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1 district.
 2 Effective July 1, 1988, the additional weighting
 3 assigned under this subsection may be assigned to a
 4 district for a maximum of five years and, thereafter,
 5 the additional weighting shall not be assigned to the
 6 same district under this section, but may be assigned
 7 under sectin 442.39A. Additional weighting assigned
 8 under this subsection between July 1, 1988, and June
 9 30, 1989, may be continued under this subsection for a
 10 maximum of five years.

11 Sec. 119. Section 613A.7, Code 1989, is amended to
 12 read as follows:

13 613A.7 INSURANCE.

14 The governing body of ~~any~~ a municipality may
 15 purchase a policy of liability insurance insuring
 16 against all or any part of liability which might be
 17 incurred by ~~such~~ the municipality or its officers,
 18 employees, and agents under ~~the provisions~~ of section
 19 613A.2 and section 613A8 and may similarly purchase
 20 insurance covering torts specified in section 613A.4.
 21 The governing body of ~~any~~ a municipality may adopt a
 22 self-insurance program, including but not limited to
 23 the investigation and defense of claims, the
 24 establishment of a reserve fund for claims, the
 25 payment of claims, and the administration and
 26 management of the self-insurance program, to cover all
 27 or any part of the liability. The governing body of

28 ~~any a~~ municipality may join and pay funds into a local
 29 government risk pool to protect itself against any or
 30 all liability. The governing body of ~~any a~~
 31 municipality may enter into insurance agreements
 32 obligating the municipality to make payments beyond
 33 its current budget year to provide or procure such
 34 policies of insurance, self-insurance program, or
 35 local government risk pool. The premium costs of ~~such~~
 36 the insurance, the costs of such a self-insurance
 37 program, the costs of a local government risk pool,
 38 and the amounts payable under any such insurance
 39 agreements may be paid out of the general fund or any
 40 available funds or may be levied in excess of any tax
 41 limitation imposed by statute. However, for school
 42 districts, the costs shall be included in the district
 43 management levy as provided in section 296.7. Any
 44 independent or autonomous board or commission in the
 45 municipality having authority to disburse funds for a
 46 particular municipal function without approval of the
 47 governing body may similarly enter into insurance
 48 agreements, procure liability insurance, adopt a self-
 49 insurance program, or join a local government risk
 50 pool within the field of its operation. The

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1 procurement of such insurance constitutes a waiver of
 2 the defense of governmental immunity as to those
 3 exceptions listed in section 613A.4 to the extent
 4 stated in ~~such the~~ policy but shall have no further
 5 effect on the liability of the municipality beyond the
 6 scope of this chapter, but if a municipality adopts a
 7 self-insurance program or joins and pays funds into a
 8 local government risk pool such action does not
 9 constitute a waiver of the defense of governmental
 10 immunity as to the exceptions listed in section
 11 613A.4. The existence of any insurance which covers
 12 in whole or in part any judgment or award which may be
 13 rendered in favor of the plaintiff, or lack of any
 14 such insurance, shall not be material in the trial of
 15 any action brought against the governing body of ~~any a~~
 16 municipality, or its officers, employees, or agents
 17 and any reference to such insurance, or lack of ~~same~~
 18 insurance, shall be is grounds for a mistrial. A
 19 self-insurance program or local government risk pool
 20 is not insurance and is not subject to regulation
 21 under chapters 505 through 523C.
 22 Sec. 120. Section 613A.10, Code 1989, is amended
 23 to read as follows:
 24 613A.10 TAX TO PAY JUDGMENT OR SETTLEMENT.

25 When a final judgment is entered against or a
26 settlement is made by a municipality for a claim
27 within the scope of section 613A.2 or 613A.8, payment
28 shall be made and the same remedies shall apply in the
29 case of nonpayment as in the case of other judgments
30 against the municipality. If said a judgment or
31 settlement is unpaid at the time of the adoption of
32 the annual budget, it the municipality shall budget an
33 amount sufficient to pay the judgment or settlement
34 together with interest accruing thereon on it to the
35 expected date of payment. Such A tax may be levied in
36 excess of any limitation imposed by statute. However,
37 for school districts the costs of a judgment or
38 settlement under this section shall be included in the
39 district management levy pursuant to section 298.4.

40 Sec. 121. If the electors of a school district
41 have approved, prior to March 15, 1991, the
42 schoolhouse tax levy to provide for the lease-purchase
43 of school buildings or other authorized school
44 district tax levy, the tax levy so approved shall
45 continue in effect until the expiration period for
46 which it was approved.

47 Sec. 122. LOW SPENDING DISTRICTS. The department
48 of education is directed to develop recommendations
49 and submit them to the general assembly not later than
50 January 15, 1990, concerning a procedure which could

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1 be used to provide additional moneys to school
2 districts which have a district cost per pupil that is
3 lower than the state cost per pupil under the state
4 school foundation formula in sections 1 through 33 of
5 this Act.

6 Sec. 123. INCOME WEALTH DATA. The department of
7 revenue and finance is directed to collect data on the
8 income wealth and other nonproperty wealth of Iowa
9 taxpayers by school district. The information shall
10 include income wealth per student by school district
11 and shall compile the information on a statewide
12 basis. The department of revenue and finance shall
13 report the results of its data collection to the
14 general assembly meeting in 1991.

15 Sec. 124. FUNDS FOR NEW EDUCATIONAL STANDARDS.
16 There is appropriated from the general fund of the
17 state for the fiscal year commencing July 1, 1990, and
18 ending June 30, 1991, to the department of education
19 for allocation to school districts for the costs of
20 implementing educational standards adopted by the
21 state board of education under section 256.11, the sum

22 of sixteen million nine hundred thousand dollars, or
23 so much thereof as is necessary, to be allocated to
24 school districts based upon each school district's
25 budget enrollment for the budget year. From the
26 moneys appropriated in this section, ten million
27 dollars shall be allocated for programs for gifted and
28 talented pupils. Moneys received by school districts
29 under this section are miscellaneous income for pur-
30 poses of chapter 442. Payments under this section
31 shall be made in the manner provided in section
32 442.26.

33 Sec. 125. The legislative council shall establish
34 an interim study committee to review the property
35 taxes paid in this state and to recommend a proposal
36 that will reduce property taxes commencing July 1,
37 1991, by approximately thirty million dollars on a
38 statewide basis. The study committee shall present
39 its recommendations to the legislative council not
40 later than December 1, 1989.

41 Sec. 126. Chapter 260A, Code 1989, is repealed
42 effective July 1, 1991.

43 Sec. 127. Chapter 257, Code 2001, is repealed July
44 1, 2001.

45 Sec. 128. Sections 442.31 through 442.36, Code
46 1989, are repealed effective July 1, 1990.

47 Sec. 129. Sections 279.43, 294A.11, 294A.24,
48 297.5, and 298.17, Code 1989, are repealed effective
49 July 1, 1991.

50 Sec. 130. Section 280.13A, Code 1991, is repealed

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1 effective July 1, 1992.

2 Sec. 131. Sections 114, 115, 117, 118, and 125 of
3 this Act, being deemed of immediate importance, take
4 effect upon enactment.

5 Sec. 132. Sections 58, 122, and 123 of this Act
6 take effect July 1, 1989.

7 Sec. 133. Sections 69, 116, and 124 of this Act
8 take effect July 1, 1989.

9 Sec. 134. Sections 1 through 41, 48 through 50,
10 53, 55, 57, 62, 66, 68, 70 through 77, 82, 94, 101,
11 105 through 107, 110, 112, and 119 through 121 of this
12 Act take effect July 1, 1990, for the purpose of
13 computations required for payment of state aid to and
14 levying of property taxes by school districts for the
15 budget year beginning July 1, 1991.

16 Sec. 135. Sections 42 through 47, 51, 52, 54, 56,
17 59 through 61, 63 through 65, 67, 78 through 81, 83

18 through 93, 95 through 100, 102 through 104, 108, 109,
19 111, and 113 of this Act take effect July 1, 1991.”

COMMITTEE ON EDUCATION
LARRY MURPHY, Chairperson

S-3509

- 1 Amend Senate File 503 as follows:
2 1. Page 1, by inserting after line 8, the
3 following:
4 “Sec. ____ . Section 598.21, subsection 8, Code
5 1989, is amended by adding the following new
6 unnumbered paragraphs after paragraph k, unnumbered
7 paragraph 2:
8 NEW UNNUMBERED PARAGRAPH. Improved technology
9 leading to better evidence of nonpaternity is not
10 barred by time limits on new evidence and constitutes
11 a substantial change in circumstances authorizing the
12 court to consider modification of a previous
13 determination of paternity.
14 NEW UNNUMBERED PARAGRAPH. The enactment of section
15 598.41 or the enactment of any substantive amendment
16 to section 598.41 constitutes a substantial change in
17 circumstances authorizing the court to consider
18 modification of an award of child custody.”
19 2. Page 1, by inserting after line 27, the
20 following:
21 “Sec. ____ . NEW SECTION. 675.43 MODIFICATION.
22 1. The court may subsequently modify orders made
23 under this chapter if a substantial change in
24 circumstances occurs. Modification of orders
25 pertaining to child custody shall be made pursuant to
26 section 598.41 or chapter 598A.
27 2. The enactment of section 598.41 or the
28 enactment of any substantive amendment to section
29 598.41 constitutes a substantial change in
30 circumstances authorizing the court to consider
31 modification of an award of child custody.
32 3. Improved technology leading to better evidence
33 of nonpaternity is not barred by time limits on new
34 evidence and constitutes a substantial change in
35 circumstances authorizing the court to consider
36 modification of a previous determination of paternity.
37 Sec. ____ . CHAPTER TITLE CHANGE. The Code editor
38 shall change the title of chapter 675 to “Parentage of
39 Children and Obligation for Support.”
40 3. Renumber as necessary.

RICHARD RUNNING

S-3510

- 1 Amend Senate File 505 as follows:
- 2 1. Page 1, line 6, by striking the word "ten" and
- 3 inserting the following: "twenty-five".

RICHARD RUNNING

S-3511

- 1 Amend Senate File 439 as follows:
- 2 1. Page 1, by inserting after line 16 the
- 3 following:
- 4 "Sec. ____ . Section 107.20, Code 1989, is amended
- 5 to read as follows:
- 6 107.20 LIMITATION ON NURSERY STOCK -- EXCEPTION.
- 7 ~~All funds~~ Funds appropriated to the department
- 8 which are used in growing or handling nursery stock
- 9 shall be used for growing or handling of the stock for
- 10 distribution ~~only~~ on state-owned lands. ~~However, the~~
- 11 The department may produce and sell nursery stock for
- 12 at private sale including, game cover packets, and
- 13 trees for erosion control, may produce trees and trees
- 14 for a demonstration windbreak in each township in the
- 15 state, and, The department may dispose of growing
- 16 trees under a departmental plan of distribution."
- 17 2. By renumbering as necessary.

RICHARD RUNNING

S-3512

- 1 Amend Senate File 503 as follows:
- 2 1. Page 1, by striking lines 5 through 7 and
- 3 inserting the following: "payments to either party
- 4 for a limited or indefinite length of time, except
- 5 when justified by mitigating circumstances the length
- 6 of time shall not exceed a period of time equal to
- 7 one-half of the duration of the marriage, after
- 8 considering all of".

BEVERLY A. HANNON

S-3513

- 1 Amend Senate File 427 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 111.85, subsection 5, Code
- 5 1989, is amended by striking the subsection."
- 6 2. Title page, line 1, by striking the words
- 7 "authorizing a writing fee for" and inserting the
- 8 following: relating to".
- 9 3. Title page, line 2, by inserting after the
- 10 word "permits" the following: "and replacement
- 11 permits".

MARK HAGERLA

S-3514

- 1 Amend Senate File 427 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 111.85, Code 1989, is
- 5 repealed."
- 6 2. Title page, by striking lines 1 and 2 and
- 7 inserting the following: "An Act to repeal the
- 8 authority to issue state park user permits."

MARK HAGERLA

S-3515

- 1 Amend Senate File 499 as follows:
- 2 1. Page 2, lines 31 and 32, by striking the words
- 3 "Iowa protection and advocacy, incorporated;".

EUGENE FRAISE

S-3516

- 1 Amend the amendment S-3458, to Senate File 419, as
- 2 follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "dispatcher" the following: ", and any other state
- 5 agency purchasing motor vehicles for other than law
- 6 enforcement purposes,".
- 7 2. Page 1, lines 16 and 17, by striking the words
- 8 "or to trucks or vans".

9 3. Page 1, line 17, by inserting before the word
 10 "As" the following: "The group of comparable
 11 automobiles within the total fleet purchased by the
 12 state vehicle dispatcher, or any other state agency
 13 purchasing motor vehicles for other than law
 14 enforcement purposes, shall have an average fuel
 15 efficiency rating not less than two miles per gallon
 16 under the average fuel economy rating for that model
 17 year for that class of comparable automobiles as
 18 defined in 40 C.F.R. § 315-82."
 19 4. Page 1, line 31, by striking the figure "20"
 20 and inserting the following: "40".

JIM LIND

S-3517

1 Amend Senate File 484 as follows:
 2 1. Page 4, lines 7 and 8 by striking the words
 3 "of a coordinated" and inserting the following:
 4 "concerning".
 5 2. Page 4, line 9, by inserting before the word "areas"
 6 the following: "general".

LINN FUHRMAN

S-3518

1 Amend the amendment, S-3505, to Senate File 419 as
 2 follows:
 3 1. Page 1, by striking lines 2 through 5 and
 4 inserting the following:
 5 "___ . Page 2, by inserting before line 29 the
 6 following:
 7 "Sec. ___ . Section 478A.7, subsection 1, Code
 8 1989, is amended to read as follows:
 9 1. ~~Commencing January 1, 1979 a~~ A person shall not
 10 sell or offer for sale in this state a decorative gas
 11 lamp manufactured after December 31, 1978, unless the
 12 gas lamp is powered by renewable resources that
 13 produce natural gas, including but not limited to,
 14 kelp."

MICHAEL E. GRONSTAL

S-3519

- 1 Amend Senate File 503 as follows:
- 2 1. Page 1, line 13, by striking the word "thirty"
- 3 and inserting the following: "fifteen".

JULIA B. GENTLEMAN

S-3520

- 1 Amend Senate File 503 as follows:
- 2 1. Page 1, line 7, by inserting after the word
- 3 "marriage" the following: ", unless the parties
- 4 otherwise agree,".

JULIA GENTLEMAN

S-3521

- 1 Amend Senate File 396 as follows:
- 2 1. Page 1, by inserting after line 28 the
- 3 following:
- 4 "Sec. ____ . Section 906.5, Code 1989, is amended to
- 5 read as follows:
- 6 906.5 RECORD REVIEWED -- RULES.
- 7 1. Within one year after the commitment of a
- 8 person other than a class "A" felon, class "B" felon
- 9 convicted of murder in the second degree and serving a
- 10 sentence of more than twenty-five years, or a felon
- 11 serving a mandatory minimum sentence, other than a
- 12 class "A" felon, to the custody of the director of the
- 13 Iowa department of corrections, unless good cause is
- 14 shown, a member of the board shall interview the
- 15 person. Thereafter, at regular intervals, not to
- 16 exceed one year, unless good cause is shown, the board
- 17 shall interview the person and consider the person's
- 18 prospects for parole or work release. Not less than
- 19 twenty days prior to conducting a hearing at which the
- 20 board will interview the person, the board shall
- 21 notify the department of corrections of the scheduling
- 22 of the interview, and the department shall make the
- 23 person available to the board at the person's
- 24 institutional residence as scheduled in the notice.
- 25 However, if health, safety, or security conditions
- 26 require moving the person to another institution or
- 27 facility prior to the scheduled interview, the
- 28 department of corrections shall so notify the board.
- 29 2. At the time of an interview required under this

30 section, the board shall consider all pertinent
31 information regarding the person, including the
32 circumstances of the person's offense, any presentence
33 report which is available, the previous social history
34 and criminal record of the person, the person's
35 conduct, work, and attitude in prison, and the reports
36 of physical and mental examinations that have been
37 made.

38 3. A person while on parole or work release is
39 under the supervision of the district department of
40 correctional services of the district designated by
41 the board of parole. The department of corrections
42 shall prescribe rules for governing persons on parole
43 or work release. The board may adopt other rules not
44 inconsistent with the rules of the department of
45 corrections as the board deems proper or necessary for
46 the performance of its functions.

47 Sec. ____ . Section 908.4, Code 1989, is amended to
48 read as follows:

49 908.4 PAROLE REVOCATION HEARING.

50 The parole revocation hearing shall be conducted by

Page 2

1 ~~a an administrative parole revocation officer judge~~
2 who is an attorney appointed pursuant to section
3 904A.5. The revocation hearing shall determine the
4 following:

- 5 1. Whether the alleged parole violation occurred.
- 6 2. Whether the violator's parole should be
7 revoked.

8 The ~~administrative parole revocation officer judge~~
9 shall make a verbatim record of the proceedings. The
10 alleged violator shall be informed of the evidence
11 against the violator, shall be given an opportunity to
12 be heard, shall have the right to present witnesses
13 and other evidence, and shall have the right to cross-
14 examine adverse witnesses, except if the ~~revocation~~
15 ~~officer judge~~ finds that a witness would be subjected
16 to risk or harm if the witness' identity were
17 disclosed. The revocation hearing may be conducted
18 electronically.

19 Sec. ____ . Section 908.5, Code 1989, is amended by
20 striking the section and inserting in lieu thereof the
21 following:

22 908.5 DISPOSITION.

23 If a violation of parole is established, the
24 administrative parole judge may continue the parole
25 with or without any modification of the conditions of
26 parole. The administrative parole judge may revoke

27 the parole and require the parolee to serve the
28 sentence originally imposed, or may revoke the parole
29 and reinstate the parolee's work release status. The
30 order of the administrative parole judge shall contain
31 findings of fact, conclusions of law, and a
32 disposition of the matter.

33 Sec. ____ . Section 908.6, Code 1989, is amended to
34 read as follows:

35 908.6 APPEAL OR REVIEW.

36 The order of the administrative parole ~~revocation~~
37 ~~officer judge~~ shall become the final decision of the
38 board of parole unless, within the time provided by
39 rule, the parole violator appeals the decision or a
40 panel of the board reviews the decision on its own
41 motion. On appeal or review of the administrative
42 ~~parole revocation officer's judge's~~ decision, the
43 board panel has all the power which it would have in
44 initially making the revocation hearing decision. The
45 appeal or review shall be conducted pursuant to rules
46 adopted by the board of parole. The record on appeal
47 or review shall be the record made at the parole
48 revocation hearing conducted by the administrative
49 ~~parole revocation officer judge~~.

50 Sec. ____ . Section 908.7, Code 1989, is amended to

Page 3

1 read as follows:

2 908.7 WAIVER OF PAROLE REVOCATION HEARING.

3 The alleged parole violator may waive the parole
4 revocation hearing, in which event the administrative
5 ~~parole revocation officer judge~~ shall proceed to
6 determine the disposition of the matter. The
7 administrative parole ~~revocation officer judge~~ shall
8 dispose of the case as provided in section 908.4. The
9 administrative parole ~~revocation officer judge~~ shall
10 make a verbatim record of the proceedings. The waiver
11 proceeding may be conducted electronically.

12 Sec. ____ . Section 908.10, Code 1989, is amended by
13 striking the section and inserting in lieu thereof the
14 following:

15 908.10 CONVICTION OF A FELONY WHILE ON PAROLE.

16 When a person is convicted and sentenced to
17 incarceration in this state for a felony committed
18 while on parole, or is convicted and sentenced to
19 incarceration under the laws of any other state of the
20 United States or a foreign government or country for
21 an offense committed while on parole, and which if
22 committed in this state would be a felony, the
23 person's parole shall be deemed revoked as of the date

24 of the commission of the new felony offense.

25 The parole officer shall inform the sentencing
26 judge that the convicted defendant is a parole
27 violator. The term for which the defendant shall be
28 imprisoned as a parole violator shall be the same as
29 that provided in cases of revocation of parole for
30 violation of the conditions of parole. The new
31 sentence of imprisonment for conviction of a felony
32 shall be served consecutively with the term imposed
33 for the parole violation, unless a concurrent term of
34 imprisonment is ordered by the court.

35 The parolee shall be notified in writing that
36 parole has been revoked on the basis of the new felony
37 conviction, and a copy of the commitment order shall
38 accompany the notification. The inmate's record shall
39 be reviewed pursuant to the provisions of section
40 906.5, or as soon as practical after a final reversal
41 of the new felony conviction.

42 An inmate may appeal the revocation of parole under
43 this section according to the board of parole's rules
44 relating to parole revocation appeals. Neither the
45 administrative parole judge nor the board panel shall
46 retry the facts underlying any conviction."

47 2. Page 3, by inserting after line 21 the
48 following:

49 "Sec. ____ . Section 910A.10, subsection 1,
50 paragraph a, Code 1989, is amended to read as follows:

Page 4

1 a. Not less than ~~five~~ twenty days prior to
2 conducting a hearing at which the board will interview
3 an offender, the board shall notify the victim of the
4 interview and inform the victim that the victim may
5 submit the victim's opinion concerning the release of
6 the offender in writing prior to the hearing or may
7 appear personally or by counsel at the hearing to
8 express an opinion concerning the offender's release."

9 3. Title page, by striking lines 1 through 5, and
10 inserting the following: "An Act relating to criminal
11 offenses, by providing for the distribution of the
12 presentence investigation report to counsel, providing
13 for review of an offender's record, for revocation of
14 an offender's parole, and for victim notification and
15 registration."

16 4. By renumbering as necessary.

S-3522

1 Amend Senate File 386 as follows:

2 1. Page 1, by inserting after line 9, the
3 following:

4 "Sec. ____ . Section 196A.18, Code 1989, is amended
5 to read as follows:

6 196A.18 REFUNDS.

7 A producer who has paid ~~the tax~~ a nonrefundable
8 promotion import tax in another state on eggs produced
9 in Iowa may, by application in writing to the council,
10 secure a refund in the amount ~~paid or any portion~~
11 ~~thereof of the import tax paid which does not exceed~~
12 the amount of tax paid under this chapter. The refund
13 shall be payable only when the application shall have
14 been made to the council within sixty days after the
15 end of the calendar quarter during which the eggs were
16 sold by the producer. Each application for refund by
17 a producer shall have attached ~~thereto to it~~ proof of
18 the import tax paid and the tax paid under this
19 chapter. The proof of tax paid may be in the form of
20 a duplicate or certified copy of the purchase invoice
21 by the purchaser."

22 2. Page 1, by striking line 22.

23 3. Title page, line 1, by striking the word
24 "eliminating" and inserting the following: "relating
25 to".

26 4. By renumbering as necessary.

WILMER RENSINK

S-3523

1 Amend Senate File 419 as follows:

2 1. Page 2, by inserting before line 29 the
3 following:

4 "Sec. ____ . Section 476.52, unnumbered paragraph 1,
5 Code 1989, is amended to read as follows:

6 It is the policy of this state that a public
7 utility shall operate in an efficient manner. If the
8 board determines in the course of a proceeding
9 conducted under section 476.3 or 476.6 that a utility
10 is operating in an inefficient manner, or is not
11 exercising ordinary, prudent management, or in
12 comparison with other utilities in the state the board
13 determines that the utility is performing in a less
14 beneficial manner than other utilities, the board may
15 reduce the level of profit or adjust the revenue

16 requirement for the utility to the extent the board
 17 believes appropriate to provide incentives to the
 18 utility to correct its inefficient operation. If the
 19 board determines in the course of a proceeding
 20 conducted under section 476.3 or 476.6 that a utility
 21 is operating in such an extraordinarily efficient
 22 manner that tangible financial benefits result to the
 23 ratepayer, the board may increase the level of profit
 24 or adjust the revenue requirement for the utility. In
 25 making its determination under this section, the board
 26 may also consider a public utility's pursuit of energy
 27 efficiency programs. The board shall adopt rules for
 28 determining the level of profit or the revenue
 29 requirement adjustment that would be appropriate."

MICHAEL GRONSTAL

S-3524

1 Amend Senate File 453 as follows:
 2 1. Page 1, line 15, by inserting after the word
 3 "dollars" the following: "and a fee of fifteen
 4 dollars".

JIM LIND

S-3525

1 Amend Senate File 453 as follows:
 2 1. By striking page 1, line 10 through page 2,
 3 line 15.

JIM LIND

S-3526

1 Amend the amendment, S-3269, to Senate File 31, as
 2 follows:
 3 1. Page 1, line 13, by inserting after the word
 4 "others" the following: "at the request and
 5 requirement of the facility".
 6 2. Page 1, line 15, by inserting after the word
 7 "residents." the following: "A determination of a
 8 violation under this paragraph is contingent upon a
 9 verification that a resident was required to perform
 10 the uncompensated work."

RAY TAYLOR

S-3527

1 Amend amendment, S-3508, to House File 535, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 22, line 6, by inserting after the word
5 "by" the following: "either an educational
6 improvement property tax or by".
7 2. Page 22, line 14, by inserting after the word
8 "if" the following: "the board is using the
9 combination of the educational improvement property
10 tax and the educational improvement income surtax
11 and".
12 3. Page 22, line 22, by inserting after the word
13 "the" the following: "educational improvement
14 property tax to be levied or the amount of the
15 combination of the".

LARRY MURPHY

S-3528

1 Amend the amendment, S-3508, to House File 535, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 23, by striking lines 19 through 23.
5 2. By striking page 79, line 47 through page 80,
6 line 5.

LARRY MURPHY
RAY TAYLOR

S-3529

1 Amend Senate File 116 as follows:
2 1. Page 2, by inserting after line 34 the
3 following:
4 "The authority's program of financial and technical
5 assistance shall be available only to municipalities
6 which are not served by a commercial cable television
7 operator."

LEONARD L. BOSWELL
DALE L. TIEDEN
CALVIN O. HULTMAN

WILLIAM W. DIELEMAN
JEAN LLOYD-JONES

S-3530

- 1 Amend Senate File 434 as follows:
- 2 1. Page 1, by striking lines 1 through 23.
- 3 2. Title page, by striking lines 1 and 2 and
- 4 inserting the following: "An Act relating to the".

CALVIN O. HULTMAN

S-3531

- 1 Amend the amendment, S-3508, to House File 535, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 76, by inserting after line 23 the
- 5 following:
- 6 "Sec. ____ . Section 422.21, unnumbered paragraph 3,
- 7 Code 1989, is amended to read as follows:
- 8 The department shall provide space on the
- 9 prescribed income tax form, wherein the taxpayer shall
- 10 enter the name of the school district of the
- 11 taxpayer's residence. Such place shall be indicated
- 12 by prominent type. A nonresident taxpayer shall so
- 13 indicate. If such information is not supplied on the
- 14 tax return it shall be deemed an incompleated return
- 15 and the return shall be rejected by the department."
- 16 2. By renumbering as necessary.

RAY TAYLOR

S-3532

- 1 Amend Senate File 471 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 356.15, Code 1989, is amended
- 5 to read as follows:
- 6 356.15 EXPENSES.
- 7 All charges and expenses for the safekeeping and
- 8 maintenance of prisoners shall be allowed by the board
- 9 of supervisors, except those committed or detained by
- 10 the authority of the courts of the United States, in
- 11 which cases the United States must pay such expenses
- 12 to the county, and those committed for violation of a

13 city ordinance, in which case the city shall pay
 14 expenses to the county. If a parole or probation
 15 violinor is committed to a county jail pursuant to
 16 section 908.9 or 908.11, the county shall be
 17 reimbursed by the department of corrections in
 18 accordance with section 906.18. If the violinor is
 19 granted work release from the county jail, the
 20 violinor is liable to the county for the cost of the
 21 violinor's board as provided in section 356.30.
 22 However, the state shall reimburse the county for the
 23 balance of the cost of confining the violinor.

24 Sec. 2. Section 905.1, subsection 2, Code 1989, is
 25 amended to read as follows:

26 2. "Community-based correctional program" means
 27 correctional programs and services designed to
 28 supervise and assist individuals who are charged with
 29 or have been convicted of a felony, an aggravated
 30 misdemeanor or a serious misdemeanor, or who are on
 31 probation or parole in lieu of or as a result of a
 32 sentence of incarceration imposed upon conviction of
 33 any of these offenses, or who have been confined in a
 34 county jail as a result of revocation of probation or
 35 parole for conviction and sentence of a class "C" or
 36 "D" felony or aggravated misdemeanor, or who are
 37 contracted to the district department for supervision
 38 and housing while on work release.

39 Sec. 3. NEW SECTION. 906.18 CONFINEMENT OF
 40 PAROLE AND PROBATION VIOLATORS BY COUNTIES --
 41 REIMBURSEMENT.

42 1. A county may enter into a chapter 28E agreement
 43 with the department of corrections for the confinement
 44 of parole and probation violinors pursuant to section
 45 908.9 or 908.11, and the agreement may contain
 46 provisions relating to reimbursement to the county for
 47 confining the violinors, and any other terms the
 48 contracting parties deem appropriate.

49 2. The department of corrections and counties may
 50 commence negotiation and execution of the chapter 28E

Page 2

1 agreements provided in subsection 1 on or after July
 2 1, 1989.

3 3. Parole and probation violinors may be confined
 4 in county jails pursuant to sections 908.9 and 908.11
 5 commencing January 1, 1990.

6 Sec. 4. Section 908.9, Code 1989, is amended to
 7 read as follows:

8 908.9 DISPOSITION OF VIOLATOR.

9 1. If the parole of a parole violinor is revoked,

10 the violator shall remain in the custody of the Iowa
11 department of corrections under the terms of the
12 parolee's original commitment.

13 2. Notwithstanding subsection 1, if the parole of
14 a parole violator, originally committed to the
15 department for conviction of a class "C" or "D"
16 felony, or aggravated misdemeanor, is revoked, the
17 parole revocation officer or board panel shall
18 determine whether the violator is to remain in the
19 custody of the director of the department of
20 corrections under the terms of the parolee's original
21 commitment, or is to be confined in a county jail, for
22 a maximum period of one year, as part of the
23 violator's subsequent plan of parole or work release.
24 A violator shall be confined in a county jail only if
25 the violator is placed on work release, educational
26 work release, or in a community-based correctional
27 program and the county and the department of
28 corrections have entered into a chapter 28E agreement
29 pursuant to section 906.18. A violator assigned to
30 county jail confinement pursuant to this subsection
31 shall be transported directly to the assigned county
32 jail, and shall remain under the jurisdiction of the
33 board of parole and under the supervision and
34 direction of the judicial district department of
35 correctional services. For purposes of this
36 subsection, a violator, who has been committed to the
37 custody of the director of the department of
38 corrections upon the imposition of consecutive
39 sentences for serious misdemeanor violations and the
40 consecutive sentences exceed a total of one year,
41 shall be considered to have been convicted of an
42 aggravated misdemeanor.

43 3. If the parole of a parole violator is not
44 revoked, the parole revocation officer or board panel
45 shall order the person's release subject to the terms
46 of the person's parole with any modifications that the
47 parole revocation officer or board panel determines
48 proper.

49 Sec. 5. NEW SECTION. 908.9A CUSTODY OF PAROLE OR
50 PROBATION VIOLATOR.

Page 3

1 A parole or probation violator confined to a county
2 jail pursuant to section 908.9 or 908.11 shall remain
3 committed to the custody of the director of the
4 department of corrections.

5 Sec. 6. Section 908.11, Code 1989, is amended to
6 read as follows:

7 908.11 VIOLATION OF PROBATION.

8 A probation officer or the judicial district
9 department of correctional services having probable
10 cause to believe that any person released on probation
11 has violated the conditions of probation shall proceed
12 by arrest or summons as in the case of a parole
13 violation. The functions of the liaison officer and
14 the board of parole shall be performed by the judge or
15 magistrate who placed the alleged violator on
16 probation if that judge or magistrate is available,
17 otherwise by another judge or magistrate who would
18 have had jurisdiction to try the original offense. If
19 the probation officer proceeds by arrest, any
20 magistrate may receive the complaint, issue an arrest
21 warrant, or conduct the initial appearance and
22 probable cause hearing if it is not convenient for the
23 judge who placed the alleged violator on probation to
24 do so. The initial appearance, probable cause
25 hearing, and probation revocation hearing, or any of
26 them, may at the discretion of the court be merged
27 into a single hearing when it appears that the alleged
28 violator will not be prejudiced thereby. If the
29 violation is established, the court may continue the
30 probation with or without an alteration of the
31 conditions of probation. If the defendant is an adult
32 the court may hold the defendant in contempt of court
33 and sentence the defendant to a jail term while
34 continuing the probation, or may revoke the probation
35 and require the defendant to serve the sentence
36 imposed or any lesser sentence, and, if imposition of
37 sentence was deferred, may impose any sentence which
38 might originally have been imposed. If the defendant
39 was originally committed to the custody of the
40 department of corrections, the defendant's sentence
41 was suspended or deferred, and the defendant has been
42 placed on probation for violation of a class "C" or
43 "D" felony or an aggravated misdemeanor, and a
44 violation of probation has been established, the court
45 may revoke probation and, as an alternative to serving
46 the sentence originally imposed, require the defendant
47 to serve a maximum term of imprisonment of one year in
48 a county jail if the defendant is eligible for work
49 release, educational work release, or a community-
50 based correctional program and the county and the

Page 4

1 department of corrections have entered into a chapter
2 28E agreement pursuant to section 906.18. A probation

3 violation confined in a county jail pursuant to this
 4 section shall remain under the supervision and
 5 direction of the violator's probation officer. For
 6 purposes of this section, a person who receives
 7 consecutive sentences for serious misdemeanor
 8 violations, which sentences are not suspended and
 9 exceed a total of one year, shall be considered to
 10 have committed an aggravated misdemeanor."

11 2. Title page, by striking lines 3 through 6 and
 12 inserting the following: "county jail, requiring
 13 reimbursement to counties confining such violators,
 14 and authorizing the board of parole to assign parole
 15 violators to the county jail as part of a subsequent
 16 plan of parole or work release."

DONALD V. DOYLE
 EUGENE FRAISE
 MICHAEL E. GRONSTAL

S-3533

1 Amend the amendment, S-3508, to House File 535, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

- 4 1. Page 51, by striking lines 40 through 48.
- 5 2. By renumbering as necessary.

RICHARD F. DRAKE

S-3534

1 Amend the amendment, S-3508, to House File 535, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

- 4 1. By striking page 42, line 25, through page 43,
 5 line 20.
- 6 2. By renumbering as necessary.

RICHARD F. DRAKE

S-3535

1 Amend the amendment, S-3508, to House File 535, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

- 4 1. Page 7, by striking lines 12 and 13.

- 5 2. Page 74, by striking line 41.
- 6 3. By renumbering as necessary.

RICHARD F. DRAKE

S-3536

- 1 Amend the amendment, S-3508, to House File 535, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. By striking page 21, line 39, through page 22,
- 5 line 41.
- 6 2. Page 76, line 21, by striking the figure
- 7 "257.19".
- 8 3. By renumbering as necessary.

RICHARD F. DRAKE

S-3537

- 1 Amend Senate File 393 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 246.513, subsection 1,
- 5 unnumbered paragraph 1, Code 1989, is amended to read
- 6 as follows:
- 7 The department of corrections in cooperation with
- 8 judicial district departments of correctional services
- 9 shall establish in each judicial district bed space
- 10 for the confinement and treatment of offenders
- 11 convicted of violating chapter 321J who are sentenced
- 12 to the custody of the director. The department of
- 13 corrections shall develop standardized assessment
- 14 criteria for the assignment of offenders to a facility
- 15 established pursuant to this section. The offender
- 16 shall be assigned by the director to a facility
- 17 pursuant to section 321J.2, subsection 2, paragraph
- 18 "c". The offenders shall ~~first~~ be assigned to the
- 19 Iowa medical classification facility at Oakdale for
- 20 classification ~~and after classification may be~~
- 21 ~~assigned to if the offender fails to satisfactorily~~
- 22 ~~perform in a treatment program conducted in a~~
- 23 residential facility operated by ~~any~~ a judicial
- 24 district department of correctional services. The
- 25 offender shall be assigned to an institution following
- 26 classification. The facilities established shall meet
- 27 all the following requirements:
- 28 Sec. 2. Section 321J.2, subsection 2, paragraph c,

29 Code 1989, is amended to read as follows:
 30 c. A class "D" felony for a third offense and each
 31 subsequent offense and shall be imprisoned in the
 32 county jail for a determinate sentence of not more
 33 than one year but not less than thirty days, or
 34 committed to the custody of the director of the
 35 department of corrections, and assessed a fine of not
 36 less than seven hundred fifty dollars. The minimum
 37 jail term of thirty days cannot be suspended
 38 notwithstanding section 901.5, subsection 3, and
 39 section 907.3, subsection 3, however, the person
 40 sentenced shall receive credit for any time the person
 41 was confined in a jail or detention facility following
 42 arrest. If a person is committed to the custody of
 43 the director of the department of corrections pursuant
 44 to this paragraph and the sentence is suspended, the
 45 sentencing court shall order that the offender serve
 46 the thirty-day minimum term in the county jail. If
 47 the sentence which commits the person to the custody
 48 of the director of the department of corrections is
 49 later imposed by the court, all time served in a
 50 county jail toward the thirty-day minimum term shall

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1 count as time served toward the sentence which
 2 committed the person to the custody of the director of
 3 the department of corrections. A person convicted of
 4 a second or subsequent offense shall be ordered to
 5 undergo a substance abuse evaluation prior to
 6 sentencing. If a person is convicted of a third or
 7 subsequent offense or if the evaluation recommends
 8 treatment, the offender may be committed to the
 9 custody of the director of the department of
 10 corrections, who, if the sentence is not suspended,
 11 shall assign the person to a facility pursuant to
 12 section 246.513 or the offender may be committed to
 13 treatment in the community under the provisions of
 14 section 907.6. If the person cannot be assigned to a
 15 facility pursuant to section 246.513 due to
 16 insufficient bed space, the person shall be released
 17 from custody upon the person's own recognizance, bond,
 18 or supervision by the judicial district department of
 19 correctional services until space is available.
 20 Sec. 3. Section 901.3, Code 1989, is amended by
 21 adding the following new subsection:
 22 **NEW SUBSECTION. 7.** The defendant's potential as a
 23 candidate for assignment to a treatment facility
 24 pursuant to section 246.513 based upon the
 25 standardized assessment criteria developed by the

26 department of corrections. The presentence
27 investigation report shall contain the assessment
28 criteria commencing January 1, 1990.”
29 2. Title page, line 1, by inserting after the
30 word “commitment” the following: “, assignment, and
31 release”.

DONALD V. DOYLE
EUGENE FRAISE
MICHAEL E. GRONSTAL

S-3538

1 Amend amendment, S-3508, to House File 535, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 25, lines 1 and 2, by striking the words
5 “, state corporate income tax, and the state franchise
6 tax”.
7 2. Page 25, lines 9 and 10, by striking the words
8 “, the state corporate income tax, and the state
9 franchise tax”.
10 3. Page 25, line 16, by striking the word “, on”.
11 4. Page 25, by striking lines 17 through 19 and
12 inserting the following: “. As used in”.
13 5. Page 25, line 22, by striking the word “,
14 “state”.
15 6. Page 25, by striking lines 23 through 25 and
16 inserting the following: “. However, if the”.
17 7. Page 25, line 45, by striking the word and
18 figures “422.41, 422.60 to 422.63” and inserting the
19 following: “422.31”.
20 8. Page 26, lines 1 and 2, by striking the words
21 “, corporate income tax, and franchise tax returns”
22 and inserting the following: “return”.

LINN FUHRMAN

S-3539

1 Amend the amendment, S-3508, to House File 535, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 79, by inserting after line 46 the fol-
5 lowing:
6 “Sec. 175. Notwithstanding the effective date of
7 1989 Iowa Acts, Senate File 38, section 6, that
8 section which amends section 294A.16, unnumbered

9 paragraph 4, Code 1989, takes effect upon the
10 enactment of this Act and applies to moneys received
11 by a school district or area education agency for an
12 approved phase III plan for the school year beginning
13 July 1, 1988.”

14 2. Page 81, line 2, by striking the word and
15 figure “and 125” and inserting the following: “125,
16 and 175”.

RICHARD J. VARN
LARRY MURPHY

S-3540

1 Amend the amendment, S-3508, to House File 535, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 32, by inserting after line 11 the
5 following:
6 “___ . The committee may grant additional moneys to
7 school districts who submit evidence to the committee
8 that additional moneys are required for the district
9 to meet the educational standards adopted by the state
10 board of education under section 256.11. If the
11 committee determines that a district requires
12 additional moneys under this subsection, the committee
13 may grant moneys to the district from moneys
14 appropriated in this subsection.

15 There is appropriated from the general fund of the
16 state to the department of education for the use of
17 the school budget review committee, for each fiscal
18 year, the amount of six million nine hundred thousand
19 dollars, or as much thereof as may be necessary, to
20 provide additional moneys to school districts under
21 this subsection.”

22 2. Page 80, by striking lines 20 through 22, and
23 inserting the following: “programs for gifted and
24 talented pupils, the sum of ten million dollars, or”.

25 3. Page 80, line 25, by striking the words “From
26 the”.

27 4. Page 80, by striking lines 26 through 28 and
28 inserting the following: “Moneys received by school
29 districts”.

30 5. Page 80, by inserting after line 32 the
31 following:

32 “Sec. 150. There is appropriated from the general
33 fund of the state for the fiscal year commencing July
34 1, 1990, and ending June 30, 1991, to the department
35 of education for the use of the school budget review

36 committee, the sum of six million nine hundred
 37 thousand dollars, or as much thereof as may be
 38 necessary, to be allocated by the school budget review
 39 committee to school districts demonstrating a need for
 40 additional moneys to meet the educational standards
 41 adopted by the state board of education under section
 42 256.11.”

43 6. Page 81, line 5, by striking the word and
 44 figure “and 123” and inserting the following: “123,
 45 and 150”.

46 7. By renumbering as necessary.

LEONARD L. BOSWELL
 RAY TAYLOR

S-3541

1 Amend the amendment, S-3508, to House File 535, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 80, by inserting after line 32, the
 5 following:

6 “Sec. 500. Notwithstanding the election
 7 requirements of section 442.14, subsection 2, if the
 8 board of directors of a school district held an
 9 election prior to February 15, 1989, for approval to
 10 raise an additional enrichment amount for the school
 11 year beginning July 1, 1990, and the proposition
 12 failed, the board may resubmit the proposition at an
 13 election held not later than July 1, 1989.”

14 2. Page 81, line 2, by striking the word and
 15 figure “and 125” and inserting the following: “125,
 16 and 500”.

RICHARD J. VARN
 JEAN LLOYD-JONES
 LARRY MURPHY

S-3542

1 Amend amendment, S-3508, to House File 535, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 21, line 41, by striking the word “in”.

5 2. Page 21, by striking lines 42 and 43.

LARRY MURPHY

S-3543

- 1 Amend House File 59, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, line 7, by inserting after the word
 4 "party." the following: "The secretary of
 5 agriculture, or the secretary's designee, shall be a
 6 member of the advisory committee."

LEONARD L. BOSWELL

S-3544

- 1 Amend the amendment, S-3508, to House File 535, as
 2 amended, passed, and reprinted by the House as follows:
 3 1. Page 74, by striking lines 6 through 8 and in-
 4 serting the following:
 5 "3. The purchase of buildings."

DALE L. TIEDEN
LARRY MURPHY

S-3545

- 1 Amend the amendment, S-3508, to House File 535, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 4, line 17, by striking the figure
 5 "257.26" and inserting the following: "257.33".

LARRY MURPHY

S-3546

- 1 Amend Senate File 434 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 602.8105, subsection 1,
 5 paragraph a, Code 1989, is amended to read as follows:
 6 a. For filing and docketing a petition other than
 7 for modification of a dissolution decree ~~filed within~~
 8 ~~one hundred eighty days of the date of the entering of~~
 9 ~~the dissolution decree to which a written stipulation~~
 10 ~~is attached at the time of filing containing the~~
 11 ~~agreement of the parties to the terms of the~~
 12 ~~modification~~, or an appeal or writ of error, forty-
 13 five dollars. Four dollars of the fee shall be

14 deposited in the court revenue distribution account
 15 established under section 602.8108, and forty-one
 16 dollars of the fee shall be paid into the state
 17 treasury. Of the amount paid to the state treasury,
 18 one dollar shall be deposited in the judicial
 19 retirement fund established in section 602.9104 to be
 20 used to pay retirement benefits of the judicial
 21 retirement system, and the remainder shall be
 22 deposited in the general fund of the state. In
 23 counties having a population of one hundred thousand
 24 or over, an additional five dollars shall be charged
 25 and collected, to be known as the journal publication
 26 fee and used for the purposes provided for in section
 27 618.13.

28 Sec. 2. Section 633.31, subsection 2, paragraphs
 29 a, b, c, f, i, k, and l, Code 1989, are amended to
 30 read as follows:

31	a. For services performed in short form probates pursuant	
32	to sections 450.22 and 450.44	\$10.00 <u>15.00</u>
33	b. For services performed in probate of will without	
34	administration	10.00 <u>15.00</u>
35	c. For filing and indexing a transcript	3.00 <u>5.00</u>
36	f. For certificate and seal	20.00 <u>10.00</u>
37	i. For certifying change of title	2.00 <u>5.00</u>
38	k. For other services performed in the settlement	
39	of the estate of any decedent, minor, insane person,	
40	or other persons laboring under legal disability,	
41	except where actions are brought by the administrator,	
42	guardian, trustee, or person acting in a	
43	representative capacity or against that person, or as	
44	may be otherwise provided herein, where the value of	
45	the personal property and real estate of such a person	
46	falls within the following indicated amounts, the fee	
47	opposite such amount shall be charged.	
48	Up to \$3,000.00	5.00
49	3,000.00 to 5,000.00	10.00
50	5,000.00 to 7,000.00	15.00

Page 2

1	7,000.00 to 10,000.00	20.00
2	10,000.00 to 15,000.00	25.00
3	15,000.00 to 25,000.00	30.00
4	For each additional \$25,000.00 or major fraction thereof	
5		20.00 <u>25.00</u>
6	l. For services performed in small estate administration	
7		10.00 <u>15.00</u>
8	2. Title page, line 3, by inserting after the word	

9 "seal" the following: "and increasing certain other probate
10 fees".

DONALD V. DOYLE

S-3547

1 Amend the amendment, S-3508, to House File 535, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 3, by striking lines 4 and 5 and insert-
5 ing the following: "foundation property tax equal to
6 three dollars per thousand dollars of assessed".

7 2. Page 3, by striking lines 9 through 15.

8 3. By striking page 19, line 3, through page 20,
9 line 3.

10 4. Page 42, by inserting after line 24 the fol-
11 lowing:

12 "Sec. 600. NEW SECTION. 257B.1 EDUCATION
13 PROPERTY TAX.

14 Each school district shall cause to be levied each
15 year an education property tax equal to two dollars
16 per thousand dollars of assessed valuation on all
17 taxable property in the district. The revenue from
18 the education property tax shall be transmitted to the
19 department of management. In lieu of appropriations
20 by the general assembly from the general fund of the
21 state, for each fiscal year, the department of
22 management shall allocate the moneys received under
23 this section to the following:

24 1. Department of education for the operation of
25 the department.

26 2. Department of education for aid to merged area
27 schools.

28 3. College aid commission for operation of the
29 commission and for the tuition grant program, the
30 vocational-technical tuition grant program, the work-
31 study program, and other financial aid programs
32 provided by law.

33 4. State board of regents for operation of the
34 central office, for tuition replacement moneys, and
35 for operation of the university of Iowa, Iowa state
36 university of science and technology, the university
37 of northern Iowa, the Iowa braille and sight-saving
38 school, the state school for the deaf, the Oakdale
39 campus, and the state hospital-school, and programs
40 provided at those institutions."

41 5. Page 81, line 11, by striking the words and
42 figures "and 119 through 121" and inserting the

43 following: "119 through 121, and 600".
44 6. By renumbering as necessary.

WALLY HORN

S-3548

1 Amend the amendment, S-3508, to House File 535, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 3, by striking lines 4 and 5 and insert-
5 ing the following: "foundation property tax equal to
6 three dollars per thousand dollars of assessed".

7 2. Page 3, by striking lines 9 through 15.

8 3. By striking page 19, line 3, through page 20,
9 line 3.

10 4. Page 42, by inserting after line 24 the fol-
11 lowing:

12 "Sec. 600. NEW SECTION. 257B.1 EDUCATION
13 PROPERTY TAX.

14 Each school district shall cause to be levied each
15 year an education property tax equal to two dollars
16 per thousand dollars of assessed valuation on all
17 taxable property in the district. The revenue from
18 the education property tax shall be transmitted to the
19 department of management. In lieu of appropriations
20 by the general assembly from the general fund of the
21 state, for each fiscal year, the department of
22 management shall allocate the moneys received under
23 this section to the following:

24 1. Department of education for the operation of
25 the department.

26 2. Department of education for aid to merged area
27 schools.

28 3. College aid commission for operation of the
29 commission and for the tuition grant program, the
30 vocational-technical tuition grant program, the work-
31 study program, and other financial aid programs
32 provided by law.

33 4. State board of regents for operation of the
34 central office, for tuition replacement moneys, and
35 for operation of the university of Iowa, Iowa state
36 university of science and technology, the university
37 of northern Iowa, the Iowa braille and sight-saving
38 school, the state school for the deaf, the Oakdale
39 campus, and the state hospital-school, and programs
40 provided at those institutions."

41 5. Page 81, line 11, by striking the words and
42 figures "and 119 through 121" and inserting the

43 following: "119 through 121, and 600".

44 6. By renumbering as necessary.

JACK RIFE

S-3549

1 Amend the amendment, S-3508, to House File 535, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 17, by striking lines 15 through 17 and
5 inserting the following: "school district in which
6 one or more administrators are employed jointly under
7 section 280.15, or in which one or more administrators
8 are employed under section 273.7A, are assigned a
9 weighting of one".

10 2. Page 17, by inserting after line 27 the
11 following:

12 "For the purposes of this subsection,
13 "administrators" includes the following:

14 a. Executive administrators, which includes the
15 superintendent and such assistants as deputy,
16 associate, and assistant superintendents who perform
17 activities in the general direction and management of
18 the affairs of the local school districts.

19 b. School administrators, which includes assistant
20 principals, and other assistants in general
21 supervision of the operations of the school. School
22 administrators does not include principals.

23 c. Business administrators, which includes
24 personnel associated with activities concerned with
25 purchasing, paying for, transporting, exchanging, and
26 maintaining goods and services for the school
27 district."

28 3. Page 77, line 17, by inserting after the
29 figure "4," the following: "unnumbered paragraph 1,".

30 4. By striking page 77, line 19, through page 78,
31 line 7, and inserting the following:

32 "Pupils enrolled in a school district in which one
33 or more administrators are employed jointly under
34 section 280.15, or in which one or more administrators
35 are employed under section 273.7A, are assigned a
36 weighting of one plus ~~five hundredths~~ twenty-five
37 thousandths for each administrator who is jointly
38 employed times the percent of the administrator's time
39 in which the administrator is employed in the school
40 district. However, the total additional weighting
41 assigned under this subsection for a budget year for a
42 school district is ~~fifteen~~ seven and one-half and the

43 total additional weighting that may be added
44 cumulatively to the enrollment of school districts
45 sharing an administrator is twenty-five twelve and
46 one-half. Additional weighting assigned".

LARRY MURPHY
JOHN W. JENSEN
RAY TAYLOR

S-3550

1 Amend the amendment, S-3455, to Senate File 472, as
2 follows:
3 1. Page 1, lines 27 and 28, by striking the words
4 "alternative school or".
5 2. By striking page 2, line 49 through page 3,
6 line 2.
7 3. Page 3, by striking lines 6 through 8.
8 4. Page 3, by striking lines 12 through 26.
9 5. Page 4, by striking lines 21 through 23.
10 6. Page 5, by striking lines 2 through 13.

RAY TAYLOR
WILLIAM W. DIELEMAN

S-3551

1 Amend the amendment, S-3508, to House File 535, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 23, line 44, by striking the words
5 "assessed valuation in" and inserting the following:
6 "individual income tax paid by residents of".
7 2. Page 23, line 46, by striking the words
8 "assessed valuation" and inserting the following:
9 "income tax".
10 3. Page 23, line 47, by striking the words
11 "assessed valuation in" and inserting the following:
12 "total individual income tax paid by residents of".
13 4. Page 23, line 49, by striking the word
14 "valuation" and inserting the following: "income
15 tax".
16 5. Page 24, line 1, by striking the word
17 "valuation" and inserting the following: "income
18 tax".
19 6. Page 24, line 2, by striking the word
20 "valuation" and inserting the following: "income
21 tax".

RAY TAYLOR
BERL E. PRIEBE

S-3552

1 Amend Senate File 372 as follows:

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

4 “The magistrate or district associate judge shall
5 have jurisdiction to assess or enter judgment for
6 costs of abatement or correction in an amount not to
7 exceed the jurisdictional amount for a money judgment
8 in a civil action pursuant to section 631.1,
9 subsection 1, for magistrates and section 602.6306,
10 subsection 2, for district associate judges. If the
11 county seeks abatement or correction costs in excess
12 of those amounts, the case shall be referred to the
13 district court for hearing and entry of an appropriate
14 order. The procedure for hearing in the district
15 court shall be the same procedure as that for a small
16 claims appeal pursuant to section 631.13.”

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

19 “The magistrate or district associate judge shall
20 have jurisdiction to assess or enter judgment for
21 costs of abatement or correction in an amount not to
22 exceed the jurisdictional amount for a money judgment
23 in a civil action pursuant to section 631.1,
24 subsection 1, for magistrates and section 602.6306,
25 subsection 2, for district associate judges. If the
26 city seeks abatement or correction costs in excess of
27 those amounts, the case shall be referred to the
28 district court for hearing and entry of an appropriate
29 order. The procedure for hearing in the district
30 court shall be the same procedure as that for a small
31 claims appeal pursuant to section 631.13.”

ALVIN MILLER
DONALD V. DOYLE

S-3553

1 Amend the amendment, S-3483, to Senate File 472, as
2 follows:

3 1. By striking page 1, line 29, through page 2,
4 line 1, and inserting the following: “private special
5 education services providers.””

RAY TAYLOR

S-3554

1 Amend House File 403 as amended and passed by the
2 House as follows:

3 1. Page 2, by inserting after line 21 the
4 following:

5 "Sec. ____ . Section 252A.3, subsections 1 and 2,
6 Code 1989, are amended to read as follows:

7 1. A spouse in one state is hereby declared to be
8 liable for the support of the spouse and any child or
9 children under eighteen years of age and any other
10 dependent residing or found in the same state or in
11 another state having substantially similar or
12 reciprocal laws; ~~and, if possessed of sufficient means
13 or able to earn such means, may be required to pay for
14 their support a fair and reasonable sum according to
15 the spouse's means, as may be determined by the.~~ The
16 court having jurisdiction of the respondent in a
17 proceeding instituted under this chapter shall
18 establish the respondent's monthly support payment and
19 the amount of the support debt accrued and accruing
20 pursuant to section 598.21, subsection 4.

21 2. A parent in one state is hereby declared to be
22 liable for the support of the parent's child or
23 children under eighteen years of age residing or found
24 in the same state or in another state having
25 substantially similar or reciprocal laws, whenever the
26 other parent of such child or children is dead, or
27 cannot be found, or is incapable of supporting ~~such
28 the child or children, and, if the liable parent is
29 possessed of sufficient means or able to earn such the
30 means, the liable parent may be required to pay for
31 the support of such child or children a fair and
32 reasonable sum according to the parent's means, as may
33 be determined by the.~~ The court having jurisdiction
34 of the respondent in a proceeding instituted under
35 this chapter shall establish the respondent's monthly
36 support payment and the amount of the support debt
37 accrued and accruing pursuant to section 598.21,
38 subsection 4.

39 Sec. ____ . Section 252A.6, subsection 11, Code
40 1989, is amended to read as follows:

41 11. If, on the return day of the summons, the
42 respondent appears at the time and place specified in
43 the summons and fails to answer the petition or admits
44 the allegations of the petition, or, if, after a
45 hearing has been duly held by the court in the

46 responding state in accordance with this section, the
 47 court has found and determined that the prayer of the
 48 petitioner, or any part of the prayer, is supported by
 49 the evidence adduced in the proceeding, and that the
 50 petitioner is in need of and entitled to support from

Page 2

1 the respondent, the court shall make and enter an
 2 order directing the respondent to furnish support to
 3 the petitioner and to pay a sum as the court shall
 4 determine, ~~having due regard to the parties' means and~~
 5 ~~circumstances~~ determines pursuant to section 598.21,
 6 subsection 4. A certified copy of the order shall be
 7 transmitted by the court to the court in the
 8 initiating state and the copy shall be filed with and
 9 made a part of the records of the court in the
 10 proceeding. Upon entry of an order for support or
 11 upon failure of a person to make payments pursuant to
 12 an order for support, the court may require the
 13 respondent to provide security, a bond, or other
 14 guarantee which the court determines is satisfactory
 15 to secure the payment of the support. Upon the
 16 respondent's failure to pay the support under the
 17 order, the court may declare the security, bond, or
 18 other guarantee forfeited."

19 2. Page 4, by inserting after line 24 the
 20 following:

21 "Sec. ____ . Section 675.25, Code 1989, is amended
 22 to read as follows:

23 675.25 FORM OF JUDGMENT -- CONTENTS OF SUPPORT
 24 ORDER -- COSTS.

25 ~~The judgment shall be for periodic amounts, equal~~
 26 ~~or varying, having regard to the obligation of the~~
 27 ~~father under section 675-1, as the court directs, Upon~~
 28 ~~a finding or verdict of paternity pursuant to section~~
 29 ~~675.24, the court shall establish the father's monthly~~
 30 ~~support payment and the amount of the support debt~~
 31 ~~accrued or accruing pursuant to section 598.21,~~
 32 ~~subsection 4, until the child reaches majority or~~
 33 ~~until the child finishes high school, if after~~
 34 ~~majority. The court may order the father to pay~~
 35 ~~amounts the court deems appropriate ~~for past and~~~~
 36 ~~future support and maintenance of the child and for~~
 37 ~~the reasonable and necessary expenses incurred by or~~
 38 ~~for the mother in connection with prenatal care, the~~
 39 ~~birth of the child, and postnatal care of the child~~
 40 ~~and the mother. The court may award the prevailing~~
 41 ~~party the reasonable costs of suit, including but not~~

42 limited to reasonable attorney fees.”
43 3. By renumbering as necessary.

CHARLES BRUNER

S-3555

1 Amend House File 59, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 3, by striking lines 7 through 10 and in-
4 serting the following: “same political party. The
5 legislative service bureau shall provide staff and
6 other support for the advisory committee. The
7 secretary of agriculture shall appoint as”.

LEONARD L. BOSWELL

S-3556

1 Amend Senate File 333 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 “Section 1. Section 524.1416, Code 1989, is
5 amended by adding the following new subsection:
6 **NEW SUBSECTION. 3.** A state bank acquired pursuant
7 to sections 524.1851 through 524.1859 shall not
8 convert into a national bank if the primary purpose of
9 the conversion is to avoid compliance with the Iowa
10 community reinvestment Act, chapter 525, the board of
11 directors of a state bank shall not vote for or agree
12 to such a conversion, and any resolution or other
13 action of the board of directors to convert the
14 acquired state bank into a national bank contrary to
15 this subsection is null and void.
16 Sec. 2. **NEW SECTION. 524.1851 DEFINITIONS.**
17 As used in this division, unless the context
18 otherwise requires:
19 1. “Bank holding company” means a bank holding
20 company as defined or referred to in the federal Bank
21 Holding Company Act of 1956, 12 U.S.C. § 1841 et seq.,
22 as amended to January 1, 1989, or a company that will
23 become a bank holding company upon completion of an
24 acquisition in accordance with section 524.1852.
25 2. “Community development corporation” means a
26 community development corporation as defined in 42
27 U.S.C. § 8122.
28 3. “Community Reinvestment Act” means the federal
29 Community Reinvestment Act of 1977, 12 U.S.C. § 2901

30 et seq., as amended to January 1, 1989.

31 4. "Low-income" means the income for "very low
32 income families" as defined in section 220.1,
33 subsection 4.

34 5. "Midwestern region" means the states of
35 Illinois, Iowa, Minnesota, Missouri, Nebraska, South
36 Dakota, and Wisconsin.

37 6. "Moderate-income" means the income for "lower
38 income families" as defined in section 220.1,
39 subsection 3.

40 7. "Out-of-state bank holding company" means an
41 out-of-state bank holding company as defined or
42 referred to in the federal Bank Holding Company Act of
43 1956, 12 U.S.C. § 1842(d), as amended to January 1,
44 1989.

45 8. "Regional bank holding company" means an out-
46 of-state bank holding company located in the
47 midwestern region.

48 9. "State in which the regional bank holding
49 company is located" means the state in which the
50 operations of the banking subsidiaries of the regional

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1 bank holding company are "principally conducted" as
2 defined in the federal Bank Holding Company Act of
3 1956, 12 U.S.C. § 1842(d), as amended to January 1,
4 1989.

5 Sec. 3. NEW SECTION. 524.1852 ACQUISITIONS.

6 A regional bank holding company may directly or
7 indirectly acquire all or a portion of the voting
8 securities or other capital stock of, or any interest
9 in all or substantially all of the assets of, or power
10 to control in any manner the election of any of the
11 directors of, one or more banks conducting a banking
12 business in this state or one or more bank holding
13 companies located in this state and controlling one or
14 more banks conducting a banking business in this
15 state, if the state in which the regional bank holding
16 company is located would allow a bank holding company
17 located in Iowa to acquire banks located in that
18 state, provided that all of the requirements of this
19 division are met.

20 Sec. 4. NEW SECTION. 524.1852A NOTICE OF INTENT
21 TO ACQUIRE.

22 As a precondition to an acquisition or approval of
23 an application for an acquisition under this division,
24 a regional bank holding company considering the
25 purchase of, or intending to purchase, an Iowa bank or
26 Iowa bank holding company shall file a notice of

27 intent to acquire an interstate banking interest
28 within the state at least six months prior to the
29 submission of an application to acquire any specific
30 bank or bank holding company pursuant to section
31 524.1853. The notice of intent to acquire shall be in
32 a form determined by rule of the superintendent, but
33 shall not require the regional bank holding company to
34 disclose any particular bank or bank holding company
35 intended to be acquired, even if a specific intent
36 exists at the time of filing.

37 Sec. 5. NEW SECTION. 524.1853 APPLICATION.
38 A regional bank holding company, other than a bank
39 holding company authorized to make an acquisition by
40 section 524.1805, which desires to make an acquisition
41 as authorized by this division, shall file an
42 application with the superintendent accompanied by an
43 application fee of five thousand dollars payable to
44 the superintendent. The application shall contain
45 such information as the superintendent may prescribe
46 by rule as necessary or appropriate. The application
47 shall be available to the public upon request, except
48 an application to acquire a troubled bank shall not be
49 available for public inspection nor shall the
50 existence of such an application be acknowledged. The

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1 applicant shall furnish to the superintendent all of
2 the following:

3 1. Information establishing that the acquisition
4 will promote the safety and soundness of the bank or
5 bank holding company proposed to be acquired,
6 including the subsidiary banks of the bank holding
7 company proposed to be acquired.

8 2. Information demonstrating that the applicant
9 intends to adequately meet the convenience and needs
10 of the communities served by the bank or subsidiary
11 banks of the bank holding company proposed to be
12 acquired in accordance with the Iowa and federal
13 Community Reinvestment Acts including, where
14 applicable, information relating to the following:

15 a. Procedures proposed to be carried out by the
16 banks or subsidiary banks of the bank holding company
17 proposed to be acquired to ascertain the credit needs
18 of the communities served by the banks or subsidiary
19 banks of the bank holding company proposed to be
20 acquired, including the extent of proposed efforts to
21 communicate to such communities the credit services
22 proposed to be provided by the banks or subsidiary
23 banks of the bank holding company proposed to be

24 acquired.

25 b. The extent of the proposed marketing and
26 special credit-related programs to be conducted by the
27 banks or subsidiary banks of the bank holding company
28 proposed to be acquired to make the communities served
29 by the banks or subsidiary banks of the bank holding
30 company proposed to be acquired aware of the credit
31 services proposed to be offered by them.

32 c. The extent of proposed participation by the
33 board of directors of the bank or subsidiary banks of
34 the bank holding company proposed to be acquired in
35 formulating the policies and reviewing the performance
36 of the bank or subsidiary banks of the bank holding
37 company proposed to be acquired in meeting the
38 purposes of the Iowa and federal Community
39 Reinvestment Acts.

40 d. The expected geographic distribution of credit
41 extensions, credit applications, and credit denials of
42 the bank or subsidiary banks of the bank holding
43 company proposed to be acquired.

44 e. The proposed participation, including
45 investments by the bank or subsidiary banks of the
46 bank holding company proposed to be acquired in local
47 community development and redevelopment projects or
48 programs.

49 f. The expected ability of the bank or subsidiary
50 banks of the bank holding company proposed to be

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1 acquired to meet various credit needs of the
2 communities served by the banks or subsidiary banks of
3 the bank holding company proposed to be acquired.

4 3. Proposed capital investment, loan, and dividend
5 policies of the applicant, including a discussion of
6 the range of consumer and business services which are
7 proposed to be offered by the bank or subsidiary banks
8 of the bank holding company proposed to be acquired
9 and how the bank or subsidiary banks of the bank
10 holding company proposed to be acquired propose to
11 meet the credit needs of individuals, small business,
12 and agriculture in the communities served by them.

13 4. Any plans of the applicant to merge, sell the
14 assets of, or liquidate the bank, bank holding
15 company, or the subsidiary banks of the bank holding
16 company proposed to be acquired, or make any other
17 major change in their business or corporate structure
18 or management.

19 5. Information on how the proposed acquisition
20 will result in net new benefits to Iowa or the

21 communities served by the bank or subsidiary banks of
22 the bank holding company proposed to be acquired.

23 6. Evidence of compliance by the subsidiary banks
24 of the applicant in the states in which they are
25 located with the federal Community Reinvestment Act
26 and any applicable state community reinvestment
27 statutes or rules.

28 7. Information demonstrating that the applicant
29 intends to provide net new agricultural financing in
30 this state. "Agricultural financing" includes credit
31 to agricultural producers, agricultural suppliers,
32 agricultural processors, and agricultural lenders.

33 Sec. 6. NEW SECTION. 524.1854 SUPERINTENDENT OF
34 BANKING -- RESPONSIBILITIES.

35 1. The superintendent, within ten days of receipt
36 of an application by a regional bank holding company
37 to make an acquisition as authorized by this division,
38 shall do one of the following:

39 a. Accept the application for processing if it is
40 substantially complete.

41 b. Request additional information as may be
42 necessary to complete the application.

43 c. Return the application if it is substantially
44 incomplete.

45 2. If an application is accepted for processing,
46 the superintendent shall immediately notify the
47 applicant that the application is accepted for
48 processing and publish notice of the application in
49 the administrative bulletin.

50 3. Within thirty days of acceptance of an

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1 application for processing, the superintendent shall
2 conduct an investigation into the condition of the
3 applicant and the bank or bank holding company
4 proposed to be acquired. The superintendent may
5 request additional information from the applicant and
6 require its production as a condition of approval of
7 the application.

8 4. The superintendent shall approve or disapprove
9 an application within one hundred twenty days after
10 the filing of the complete application. If the
11 superintendent fails to approve or disapprove the
12 application within one hundred twenty days after the
13 filing of the complete application it shall be deemed
14 approved.

15 5. In deciding whether to approve an application
16 for an acquisition under this division, the
17 superintendent shall determine whether the proposed

18 acquisition will promote the general good of the
19 state, making specific written findings on each of the
20 following criteria. The superintendent shall not
21 approve the application unless the superintendent
22 finds that the proposed acquisition will be of benefit
23 to this state upon consideration of all of the
24 following:

25 a. Will result in the employment of net new funds
26 within the state. The finding as to net new funds
27 shall take into consideration, in addition to the
28 applicant's plans for capital investment, such other
29 factors as its policies on loans, investments, and
30 dividends, and its general business operations,
31 including the range of individual and business
32 services to be offered and the charges for the
33 services.

34 b. Will maintain a reasonable level of deposits in
35 the acquired bank to be employed within the state.

36 c. Will result in the enhancement of the acquired
37 bank's ability to meet the credit needs of its entire
38 community, consistent with safe and sound operation of
39 the bank. In making this determination the
40 superintendent shall assess and consider the past
41 performance of the existing bank subsidiaries of the
42 applicant and of the expected future performance of
43 the acquired bank in all of the following areas:

44 (1) The bank's participation, including
45 investments, in local community development and
46 redevelopment projects or programs.

47 (2) The bank's origination of residential mortgage
48 loans, housing rehabilitation loans, home improvement
49 and energy conservation loans, student loans, loans to
50 women and minority-owned businesses and small business

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1 or small farm loans within its community, or the
2 purchase of such loans originated in its community.

3 (3) The bank's participation in governmentally-
4 insured, guaranteed, or subsidized loan programs for
5 education, housing, small businesses or small farms,
6 such as the Iowa housing finance authority, the small
7 business administration and the farmers home
8 administration.

9 (4) The bank's ability to meet various community
10 credit needs based on its financial condition and
11 size, legal or regulatory restrictions or
12 requirements, local economic conditions, and other
13 factors.

14 (5) Activities conducted by the bank to ascertain

15 the credit needs of its community, including the
16 extent of the bank's efforts to communicate with
17 members of its community regarding the credit services
18 being provided by the bank.

19 (6) The extent of the bank's marketing and special
20 credit-related programs to make members of the
21 community aware of the credit services offered by the
22 bank.

23 (7) The extent of participation by the bank's
24 board of directors in formulating the bank's policies
25 and reviewing its performance with respect to the
26 purposes of the Federal Community Reinvestment Act of
27 1977.

28 (8) Any practices intended to discourage
29 applications for types of credit offered by the bank.

30 (9) The geographic distribution of the bank's
31 credit extensions, credit applications, and credit
32 denials.

33 (10) Evidence of prohibited discriminatory or
34 other illegal credit practices.

35 (11) The bank's record of opening and closing
36 offices and providing services at offices.

37 (12) Any conviction for a felony within the
38 preceding five years relating to the business of
39 banking by any applicant or its subsidiaries, or any
40 of their current directors or officers.

41 (13) The extent of foreign loan exposure and
42 disclosure of information relating to such exposure as
43 the superintendent may require.

44 d. Will not relieve any corporation of any
45 obligation of its charter franchise.

46 e. Will favorably affect the economy of the state
47 as a whole or of any area affected by the proposed
48 transaction.

49 f. Will not result in banking monopoly or
50 restraint of banking competition in the areas

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1 affected.

2 g. Will favorably affect borrowers or depositors
3 of small sums.

4 h. Will not involve any violation of law or breach
5 of trust.

6 i. Will be consistent with the public good and in
7 the interests of the acquired bank's depositors.

8 j. Will not result in the acquisition of a
9 domestic bank by a bank or a bank holding company of
10 inadequate safety and soundness and will not result in
11 the impairment of the safety and soundness of the

12 domestic bank to be acquired.

13 k. Will result in net new agricultural financing
14 in this state.

15 l. Will on balance have a positive effect upon the
16 community interests of the communities served by the
17 bank or banks to be acquired. In considering
18 community interest factors, the superintendent may
19 investigate in addition to the effects of the
20 acquisition on shareholders or depositors, the effects
21 of the acquisition on employees, suppliers, creditors,
22 and community development. The superintendent shall
23 consider the short-term and long-term impact upon
24 community interests of the proposed acquisition,
25 including the possibility that community interests may
26 be best served by the continued independence of the
27 bank or bank holding company to be acquired. If on
28 the basis of the community interest factors the
29 superintendent disapproves an application, the
30 decision of disapproval shall not be subject to any
31 appeal, notwithstanding subsection 8.

32 6. The superintendent shall issue an order either
33 approving or disapproving an application. The order
34 shall include findings of fact based upon the
35 application, investigation, public comments, or other
36 submittals or evidence considered. An order
37 disapproving an application shall list the specific
38 reasons for disapproval.

39 7. Approval shall be conditioned upon the
40 applicant entering into a contract with the
41 superintendent providing that any bank located in this
42 state and owned or controlled by the applicant will be
43 operated in a manner that conforms to the findings
44 pertaining to net new funds, maintenance of deposits
45 and community credit needs and other findings required
46 by subsection 5. As part of such contract, the
47 applicant shall agree that it, as well as any domestic
48 bank or domestic bank holding company acquired by it,
49 shall provide reports and permit examinations of its
50 records to the extent considered necessary by the

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1 superintendent under this division to monitor and
2 enforce the provisions of this division.

3 8. Appeals from a decision of the superintendent
4 shall be pursuant to chapter 17A.

5 Sec. 7. NEW SECTION. 524.1855 RESTRICTIONS ON
6 ACQUISITIONS.

7 1. A regional bank holding company shall not
8 acquire a bank or bank holding company under this

9 division if, following the acquisition, the Iowa banks
10 owned or controlled by the regional bank holding
11 company would have, in the aggregate, more than ten
12 percent of the total time and demand deposits of all
13 banks in this state, as determined by the
14 superintendent on the basis of the most recent reports
15 of the banks in the state to their supervisory
16 authorities which are available at the time of the
17 acquisition.

18 2. A regional bank holding company, other than a
19 bank holding company authorized to make an acquisition
20 by section 524.1805, shall itself have been in
21 existence for at least three years as a condition of
22 any acquisition, and shall not under this division
23 acquire any of the following:

24 a. A bank unless the bank has been in existence
25 and continuously operated as a bank for five or more
26 years.

27 b. A bank holding company unless each of its
28 subsidiary banks has been in existence and
29 continuously operated as a bank for five or more
30 years.

31 c. A bank holding company that has been in
32 existence for less than three years.

33 3. For purposes of subsection 2, a bank shall be
34 considered to have been in existence and continuously
35 operated as a bank for five or more years if either of
36 the following apply:

37 a. The bank is a new bank as a result of a
38 consolidation of banks each of which had been in
39 existence and continuously operated as a bank for five
40 or more years before the consolidation.

41 b. The bank was organized solely for the purpose
42 of facilitating the acquisition of another bank that
43 had been in existence and continuously operated as a
44 bank for five or more years before the acquisition.

45 4. For purposes of subsection 2, "subsidiary bank"
46 does not include a bank which is not empowered to
47 accept deposits or to make loans or to do both.

48 5. This section does not apply to acquisitions by
49 a regional bank holding company of a troubled bank. A
50 troubled bank is a bank which has been closed by a

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1 regulatory authority or which the superintendent
2 reasonably believes may be closed by a regulatory
3 authority.

4 6. The board of directors of a state bank or
5 national banking association located in this state or

6 a bank holding company located in this state may adopt
7 an irrevocable resolution before July 1, 1989, to
8 exempt the bank or bank holding company from the
9 provisions of section 524.1852 for such a period of
10 time as shall be provided in the resolution. If such
11 a resolution is adopted, the board of directors shall
12 file a certified copy of the resolution with the
13 superintendent by July 1, 1989. The resolution may be
14 renewed prior to the expiration of the period of time
15 provided in the resolution adopted by the board of
16 directors of the bank and filed with the
17 superintendent, if the renewal is effective prior to
18 the expiration of the period of time provided in the
19 prior resolution. If such a resolution is adopted and
20 the board of directors files a certified copy of the
21 resolution with the superintendent as required by this
22 subsection, the bank or bank holding company shall not
23 be acquired directly or indirectly under section
24 524.1852 or acquire a bank or bank holding company
25 outside this state until the expiration of the period
26 of time provided in the resolution or any renewal of
27 the resolution.

28 Sec. 8. NEW SECTION. 524.1856 ENFORCEMENT.

29 In addition to any civil penalty imposed by this
30 division, or other relief available in law or equity,
31 upon the superintendent's determination that the
32 conditions of the superintendent's approval of an
33 application have been violated, the superintendent may
34 order the bank holding company to do one or both of
35 the following:

- 36 1. Cease and desist from the violation of the
37 conditions of the superintendent's approval.
- 38 2. Divest itself of the bank holding company's
39 interest in any Iowa bank or Iowa bank holding company
40 previously acquired pursuant to this division, subject
41 to such conditions and within such time as the
42 superintendent may direct.
- 43 3. At the time of acquisition the acquiring bank
44 holding company shall post a performance bond in an
45 amount and form determined by the superintendent,
46 which bond shall be forfeited upon the
47 superintendent's determination that the conditions of
48 the superintendent's approval of the application have
49 been violated.
- 50 4. The superintendent may assess a civil penalty

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1 to a bank holding company in violation of a condition
2 up to five thousand dollars per violation, but not to

3 exceed a total of two hundred fifty thousand dollars
4 per year.

5 Sec. 9. NEW SECTION. 524.1857 BASIC SERVICES
6 TRANSACTION ACCOUNT.

7 A bank owned or controlled by a regional bank
8 holding company, other than a bank holding company
9 authorized to make an acquisition by section 524.1805,
10 shall offer a basic services transaction account to
11 eligible individuals. For purposes of this section:

12 1. "Basic services transaction account" means a
13 transaction account that has no initial periodic
14 service fees, allows at least six checks per month to
15 be drawn on the account without charge, and allows at
16 least six free electronic funds transfer transactions
17 per month. The service fees for additional checks or
18 electronic funds transfer transactions shall not
19 exceed the lowest fee for similar services charged by
20 the bank for accounts other than basic accounts.

21 2. "Eligible individual" means a person whose
22 annual family income is less than the federal poverty
23 income guidelines as published annually in the federal
24 register by the United States department of health and
25 human services.

26 Sec. 10. NEW SECTION. 524.1858 DEVELOPMENTAL
27 LOANS.

28 A bank owned or controlled by a regional bank
29 holding company, other than a bank holding company
30 authorized to make an acquisition by section 524.1805,
31 shall provide, within its community, a level of
32 developmental loans as defined by the superintendent
33 by rule. The superintendent shall determine the level
34 so as to maximize the availability of developmental
35 loans within the limits of safe and sound banking
36 practices. "Developmental loans" includes but is not
37 limited to the following:

38 1. Loans for low-income and moderate-income
39 housing, loans to community development corporations,
40 loans to small businesses, student education loans,
41 and energy conservation loans.

42 2. Loans within a distressed area for commercial
43 purposes, home loans, home improvement loans, and
44 operating loans to family farmers. The superintendent
45 shall annually designate distressed areas. A
46 distressed area may be designated for a geographic
47 region smaller than a county. In designating a
48 distressed area, the superintendent shall consider the
49 unemployment rate, economic conditions, and credit
50 needs of the area.

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1 3. Agricultural loans in this state, including
2 credit to agricultural producers, agricultural
3 suppliers, agricultural processors, and agricultural
4 lenders.

5 4. Agricultural loans to new farmers entering the
6 profession of farming.

7 As a further condition of an acquisition pursuant
8 to this division, the acquired bank shall maintain a
9 loan to deposit ratio equal to or greater than the
10 average loan to deposit ratio for that bank's peer
11 group, as determined by the superintendent's survey
12 pursuant to section 525.6, subsection 4. The survey
13 shall be performed on an annual basis.

14 Sec. 11. NEW SECTION. 524.1859 NONSEVERABILITY.

15 If it is ultimately determined that the limitations
16 contained in section 524.1852 are invalid, all
17 provisions of sections 524.1851 through 524.1858 are
18 void. However, if before sections 524.1851 through
19 524.1858 become void, a regional bank holding company
20 directly or indirectly acquires an interest in or
21 control of a bank located in Iowa under sections
22 524.1851 through 524.1858, the regional bank holding
23 company may maintain the interest acquired prior to
24 the date of termination of reciprocity, but shall not
25 expand its holdings within the state.

26 Sec. 12. NEW SECTION. 525.1 SHORT TITLE.

27 This chapter may be cited as the "Iowa Community
28 Reinvestment Act".

29 Sec. 13. NEW SECTION. 525.2 DEFINITIONS.

30 As used in this chapter, unless the context
31 requires otherwise:

32 1. "Basic service area" means the area determined
33 as provided in section 525.4.

34 2. "Department" means the department of commerce.

35 3. "Financial institution" means a bank acquired
36 pursuant to sections 524.1851 through 524.1858 or an
37 Iowa bank owned by a bank holding company with its
38 principal place of business within the state which
39 acquires ownership or control of a bank located in
40 another state.

41 4. "Low-income" means the income for "very low
42 income families" as defined in section 220.1,
43 subsection 4.

44 5. "Moderate-income" means the income for "lower
45 income families" as defined in section 220.1,
46 subsection 3.

47 6. "Superintendent" means the superintendent of
48 the division of banking of the department, for banks

49 organized or regulated under chapter 524.

50 Sec. 14. NEW SECTION. 525.3 COMMUNITY

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1 REINVESTMENT RESPONSIBILITY.

2 A financial institution shall meet the credit needs
3 of the community or communities in which it is
4 located, including neighborhoods, rural farm lands,
5 and small businesses as described under section 525.5,
6 and rural areas within the financial institution's
7 basic service area, consistent with safe and sound
8 operations of the bank.

9 Sec. 15. NEW SECTION. 525.4 ANNUAL COMMUNITY
10 REINVESTMENT DISCLOSURE REPORT AND PUBLIC NOTICE.

11 A financial institution shall submit to the
12 superintendent an annual report in a form determined
13 by the superintendent, which describes the following:

14 1. The credit needs of the community served by the
15 financial institution, and the method by which this
16 determination was made. The superintendent may by
17 rule stipulate a method to determine the credit needs
18 of a community served by a financial institution.

19 2. The methods used to market to the community the
20 credit services offered by the financial institution.

21 3. A description of how services actually provided
22 by the financial institution satisfied the needs
23 described under subsection 1.

24 4. The financial institution's participation in
25 local, state, and federal business and economic
26 development programs, small business assistance
27 programs, programs addressing the financial needs of
28 minorities, and programs that meet the specific credit
29 needs of rural communities, including but not limited
30 to the rural economic development program and the
31 rural agricultural diversification linked-deposit
32 program. The superintendent may specify by rule which
33 programs must be included in the report.

34 A financial institution shall delineate the local
35 community or communities that comprise its basic
36 service area. The basic service area so claimed is
37 subject to the approval of the superintendent. The
38 superintendent may order an expansion or contraction
39 of a financial institution's basic service area if the
40 superintendent finds the claimed area does not
41 correspond to the territory in fact served by the
42 financial institution. The superintendent shall adopt
43 rules for determination of the basic service area
44 based on a financial institution's facilities,
45 business practices, and the location, distribution,

46 and concentration of the financial institution's
47 borrowers and depositors.
48 A financial institution shall provide a public
49 notice in the lobby of each of its facilities which
50 requests the public to submit comments to the

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1 financial institution regarding its community lending
2 activities. A financial institution shall publish in
3 an appropriate publication of general circulation
4 within its basic service area, a condensed version of
5 its annual report to the superintendent. Each
6 financial institution shall maintain a file open to
7 public inspection which contains the five most recent
8 annual community reinvestment disclosure reports,
9 public comments received on its community investment
10 activities, and the financial institution's response
11 to those comments.

12 Sec. 16. NEW SECTION. 525.5 COMMUNITY
13 REINVESTMENT DISCLOSURE REQUIREMENTS.

14 A financial institution, with more than ten million
15 dollars of assets, shall disclose as part of its
16 annual community reinvestment disclosure report the
17 following:

18 1. The number and aggregate dollar amount of
19 housing, commercial, small business, agricultural, and
20 consumer loans originated in the state in which the
21 financial institution's principal place of business is
22 located by census tract.

23 2. The number and aggregate dollar amount of
24 housing, commercial, small business, agricultural, and
25 consumer loans originated in this state by census
26 tract.

27 3. The number and aggregate dollar amount of
28 housing, commercial, small business, agricultural, and
29 consumer loans originated within low-income and
30 moderate-income neighborhoods within the financial
31 institution's basic service area by census tract. The
32 superintendent may by rule or decision determine the
33 geographic boundaries of low-income and moderate-
34 income neighborhoods within the state, or criteria for
35 designating low-income and moderate-income
36 neighborhoods within a financial institution's basic
37 service area by census tract. The superintendent may
38 by rule or decision determine other neighborhoods,
39 rural farm lands, and small businesses within a
40 financial institution's basic service area by census
41 tract as required for purposes of section 525.3.

42 4. Time deposits collected by census tract within

43 the state.

44 5. The number and aggregate dollar amount of first
45 time new business and new agricultural loans.

46 Reports required by this chapter, where applicable,
47 shall include purchase participation loans; however, a
48 separate listing which excludes purchase participation
49 loans, or otherwise shows the proportion and aggregate
50 amount of purchase participation loans in all affected

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1 reporting categories, shall be included in a manner
2 approved by the superintendent.

3 **Sec. 17. NEW SECTION. 525.6 COMMUNITY**
4 **REINVESTMENT RATING SYSTEM.**

5 1. The superintendent shall adopt rules, not later
6 than January 1, 1991, for a community reinvestment
7 rating system for financial institutions, to be based
8 upon a review of the information provided in a
9 financial institution's annual community reinvestment
10 disclosure report, and other information which the
11 superintendent finds to be relevant. The system must
12 at minimum provide for an unacceptable community
13 reinvestment rating, a minimum acceptable community
14 reinvestment rating, and a top rating for exemplary
15 community reinvestment, and the information shall be
16 public information. The rating system may contain
17 more steps than an unacceptable rating, a minimum
18 acceptable rating, and an exemplary rating.

19 2. A financial institution shall have at minimum,
20 as a precondition to receiving an acceptable rating,
21 both of the following:

22 a. A developmental loan to asset ratio of two
23 percent.

24 b. A loan to deposit ratio greater than the state
25 median loan to deposit ratio.

26 3. A financial institution shall receive a
27 community reinvestment rating on at least an annual
28 basis and shall be rated within thirty days prior to
29 the completion of a merger or acquisition.

30 4. The superintendent shall conduct a survey of
31 developmental loans by banks and banks owned by
32 interstate bank holding companies within the
33 midwestern region, where the necessary information is
34 available from banking regulatory authorities. The
35 results of the survey shall be used in developing the
36 rating system.

37 **Sec. 18. NEW SECTION. 525.7 ELIGIBILITY FOR**
38 **PARTICIPATION IN CERTAIN STATE PROGRAMS CONDITIONED ON**
39 **COMMUNITY REINVESTMENT GUIDELINES.**

40 After July 1, 1991, unconditional eligibility for
41 financial institutions to participate in the following
42 programs is conditioned upon achieving a minimum
43 acceptable community reinvestment rating under section
44 525.6 and preference between financial institutions is
45 given for financial institutions achieving higher
46 ratings, with the highest preferences given to
47 financial institutions with an exemplary rating:
48 1. Deposit of public funds, including state
49 treasury funds and the funds of political
50 subdivisions.

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1 2. State loan guarantee programs.
2 3. State interest rate buy-down programs.
3 4. Other financial programs offered through the
4 use of state funds.
5 A financial institution not meeting a minimum
6 acceptable community reinvestment rating may receive
7 conditional approval for eligibility for such programs
8 provided that the financial institution develops a
9 proposal for improving its community reinvestment
10 rating to an acceptable level within a period of no
11 more than two years and the proposal is approved by
12 the superintendent.
13 After July 1, 1991, eligibility for a financial
14 institution to extend its service territory, acquire
15 or merge with another bank, savings and loan
16 association, or financial institution, build or
17 acquire a new facility, transfer a home office, or
18 take other action requiring approval of the
19 superintendent is conditioned upon achieving at least
20 a minimum acceptable community reinvestment rating.
21 The superintendent may by rule condition approval or
22 degree of approval for an action requiring the
23 superintendent's approval on higher community
24 reinvestment ratings. However, the superintendent may
25 grant approval for an action of a financial
26 institution receiving less than an acceptable
27 community reinvestment rating if the superintendent
28 finds that the action is an essential part of a
29 proposal approved by the superintendent for improving
30 the financial institution's community reinvestment
31 rating to an acceptable level within a period of no
32 more than one year.
33 Sec. 19. NEW SECTION. 525.8 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 superintendent which will encourage financial
38 institutions to invest in their communities and to
39 meet the requirements of this chapter. The task force
40 shall also recommend appropriate uses of a rating
41 system including incentives and disincentives for
42 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 private

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1 nonlegislative member and the governor shall appoint
2 three members of the task force. The task force shall
3 report its recommendations to the superintendent not
4 later than July 1, 1990, and submit proposed rules to
5 implement the recommendations. The banking division
6 of the department of commerce shall provide staff
7 support to the task force.

8 **Sec. 20. ENFORCEABILITY.**

9 1. This Act shall not take effect until the
10 superintendent of banking certifies in a notice
11 published in the Iowa administrative bulletin that
12 both the office of the comptroller of the currency of
13 the United States and the board of directors of the
14 federal reserve system have issued written opinions to
15 the superintendent of banking stating to the
16 satisfaction of the superintendent of banking that
17 sections 8, 9, 10, and 12 through 18 of this Act are
18 enforceable in their entirety against all state and
19 national banks that are acquired directly or
20 indirectly by an out-of-state bank holding company
21 pursuant to the authority of sections 2, through 7 of
22 this Act. A certification by the superintendent of
23 banking under this subsection shall constitute final
24 action by the superintendent and shall be subject to
25 judicial review under chapter 17A.

26 The form of the notice required by this subsection
27 shall be determined by the superintendent of banking,
28 but the notice shall be void unless accompanied by
29 reproductions of the written opinions submitted to the
30 superintendent by the board of directors of the
31 federal reserve system and the office of the
32 comptroller of the currency.

33 The notice shall be deemed published for purposes

34 of this subsection on the date the Iowa administrative
35 bulletin is delivered by the superintendent of
36 printing to the custody of the United States postal
37 service for general distribution to subscribers. The
38 superintendent of printing shall certify that date to
39 the secretary of state in a manner prescribed by the
40 secretary of state.

41 2. The superintendent of banking shall request the
42 opinions referred to in subsection 1 immediately upon
43 the enactment of this Act. If either the office of
44 the comptroller of the currency of the United States
45 or the board of directors of the federal reserve
46 system states in a written opinion submitted to the
47 superintendent of banking under subsection 1 that any
48 provision of section 8, 9, 10, or 12 through 18 of
49 this Act is or would be unenforceable for any reason
50 against any state or national bank directly or

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1 indirectly acquired under the authority of sections 2
2 through 7 of this Act, that opinion shall be deemed a
3 determination of unenforceability within the meaning
4 of subsection 3, and this Act shall be void as of the
5 date the opinion is received by the superintendent of
6 banking.

7 3. The provisions of this Act are not severable.
8 If any court or regulatory agency of this state or of
9 the United States determines in any action or
10 proceeding that a provision of section 8, 9, 10, or 12
11 through 18 of this Act is unconstitutional or
12 otherwise unenforceable for any reason against any
13 state or national bank directly or indirectly acquired
14 pursuant to the authority of sections 2 through 7 of
15 this Act, this Act is void.

16 Sec. 21. Sections 524.1851 through 524.1899 are
17 established as a new division entitled "REGIONAL
18 BANKING" to be added following division XVIII. The
19 Code editor may renumber existing division XIX as
20 division XX and renumber the sections in the divisions
21 following division XVIII consistent with the numbering
22 of other divisions in chapter 524."

23 2. Title page, by striking lines 4 and 5 and in-
24 serting the following: "state regional bank holding
25 company, subject to certain procedures and conditions,
26 subjecting a bank acquired by a regional bank holding
27 company to community reinvestment standards and
28 disclosures as a condition of the deposit of public
29 funds or the approval of actions of the bank by the
30 superintendent, and other properly related matters,

31 and making penalties applicable and providing
32 penalties.”

MICHAEL E. GRONSTAL

S-3557

1 Amend House File 371, as passed by the House, as
2 follows:

3 1. Page 11, by inserting after line 3, the
4 following:

5 “Sec ____ . Section 321.423, subsection 3, Code
6 1989, is amended to read as follows:

7 3. BLUE LIGHT. A blue light shall not be used on
8 any vehicle except:

9 a. A vehicle owned or exclusively operated by a
10 fire department; or

11 b. A vehicle authorized by the ~~director~~ city
12 council or county board of supervisors when:

13 (1) The vehicle is owned by a member of a fire
14 department.

15 (2) The request for authorization is made by the
16 member on forms provided by the ~~department~~ city
17 council or county board of supervisors.

18 (3) Necessity for authorization is demonstrated in
19 the request.

20 (4) The chief of the fire department certifies
21 that the member is in good standing with the fire
22 department and recommends that the authorization be
23 granted.”

24 2. By renumbering as necessary.

MARK R. HAGERLA

S-3558

1 Amend House File 537 as follows:

2 1. Page 2, by striking lines 11 and 12 and
3 inserting the following: “~~and for~~ . Attached to the
4 certificate of title shall be an application for a new
5 certificate of title by the transferee as provided in
6 this chapter. However, titles for”.

JOE WELSH

S-3559

1 Amend Senate File 452 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 229.1, subsection 2, Code
5 1989, is amended to read as follows:

6 2. "Seriously mentally impaired" or "serious
7 mental impairment" describes the condition of a person
8 who is afflicted with mental illness and because of
9 that illness lacks sufficient judgment to make
10 responsible decisions with respect to the person's
11 hospitalization or treatment, and who because of that
12 illness meets any of the following criteria:

13 a. Is likely to physically injure the person's
14 self or others if allowed to remain at liberty without
15 treatment; ~~or,~~

16 b. Is likely to inflict serious emotional injury
17 on members of the person's family or others who lack
18 reasonable opportunity to avoid contact with the
19 afflicted person if the afflicted person is allowed to
20 remain at liberty without treatment.

21 c. Is unable to satisfy the person's needs for
22 nourishment, clothing, essential medical care, or
23 shelter so that it is likely that the person will
24 suffer substantial physical injury, serious physical
25 debilitation, or death within the reasonably
26 foreseeable future.

27 Sec. 2. NEW SECTION. 229.1A LEGISLATIVE INTENT.

28 As mental illness is often a continuing condition
29 which is subject to wide and unpredictable changes in
30 condition and fluctuations in reoccurrence and
31 remission, this chapter shall be liberally construed
32 to give recognition to these medical facts.

33 Sec. 3. Section 229.11, Code 1989, is amended by
34 adding the following new unnumbered paragraph:

35 NEW UNNUMBERED PARAGRAPH. The clerk shall furnish
36 copies of any orders to the respondent and to the
37 applicant if the applicant files a written waiver
38 signed by the respondent.

39 Sec. 4. Section 229.12, Code 1989, is amended by
40 adding the following new subsection:

41 NEW SUBSECTION. 5. The clerk shall furnish copies
42 of any orders to the respondent and to the applicant
43 if the applicant files a written waiver signed by the
44 respondent.

45 Sec. 5. Section 229.16, Code 1989, is amended to
46 read as follows:

47 229.16 DISCHARGE AND TERMINATION OF PROCEEDING.

48 When in the opinion of the chief medical officer
49 the condition of a patient who is hospitalized under
50 section 229.14, subsection 2, or is receiving

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1 treatment under section 229.14, subsection 3, or is in.
2 full-time care and custody under section 229.14,
3 subsection 4, of section 229.14 is such that in the
4 opinion of the chief medical officer the patient no
5 longer requires treatment or care for serious mental
6 impairment, the chief medical officer shall
7 tentatively discharge the patient and immediately
8 report that fact to the court which ordered the
9 patient's hospitalization or care and custody. The
10 court shall thereupon issue an order confirming the
11 patient's discharge from the hospital or from care and
12 custody, as the case may be, and shall terminate the
13 proceedings pursuant to which the order was issued.
14 Copies of the order shall be sent by certified mail to
15 the hospital, ~~and the patient,~~ and the applicant if
16 the applicant has filed a written waiver signed by the
17 patient.

18 Sec. 6. Section 229.25, subsection 3, unnumbered
19 paragraph 3, Code 1989, is amended to read as follows:

20 When the chief medical officer deems it to be in
21 the best interest of the patient and ~~the spouse the~~
22 patient's next of kin to do so, the chief medical
23 officer may release appropriate information during a
24 consultation which the hospital or facility shall
25 arrange with the ~~spouse next of kin~~ of a voluntary or
26 involuntary patient, if requested by a ~~spouse the~~
27 patient's next of kin."

28 2. Title page, line 2, by striking the words "and
29 substance abusers".

AL STURGEON

S-3560

1 Amend House File 198, as amended and passed by the
2 House, as follows:

3 1. Page 1, by striking lines 24 through 26 and
4 inserting the following:

5 "NEW PARAGRAPH. d. An individual possessing a
6 valid commercial turtle license may have the
7 assistance of one unlicensed individual in the
8 commercial taking of turtles."

9 2. Page 1, by striking lines 29 through 31 and

10 inserting the following:

11 "NEW PARAGRAPH. d. An individual possessing a
12 valid commercial mussel license may have the
13 assistance of one unlicensed individual in the
14 commercial taking of mussels."

COMMITTEE ON NATURAL RESOURCES
KENNETH SCOTT, Chairperson

S-3561

1 Amend House File 477, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 15 the
4 following:

5 "NEW SUBSECTION. 19. "Commission" means the
6 natural resource commission of the department.

7 2. Page 2, by striking lines 29 through 31 and
8 inserting the following:

9 "5. Establishment of a course of instruction for
10 the safe use and operation of a snowmobile. Establish a
11 program of grants, subgrants, and contracts to be
12 administered by the department for the development and
13 delivery of certified courses of instruction for the
14 safe use and operation of all-terrain vehicles and
15 snowmobiles by political subdivisions and incorporated
16 private organizations.

17 3. Page 3, lines 18 and 19, by striking the words
18 "-- COMPETITION REGISTRATION" and inserting the
19 following: "-- COMPETITION REGISTRATION".

20 4. Page 4, by striking lines 3 through 11 and
21 inserting the following:

22 "Upon proper application and payment of the
23 registration fee provided in section 321G.6, the
24 commission shall issue a competition registration for
25 a snowmobile. A competition registration authorizes
26 the operation of the snowmobile only in special events
27 in which the commission has authorized their
28 operation. The fees collected for the competition
29 registration shall be deposited in the special
30 conservation fund."

31 5. By striking page 8, line 18 through page 9,
32 line 1 and inserting the following:

33 "The commission department shall remit the fees to
34 the treasurer of state, who shall place the money in a
35 special conservation fund. The money is appropriated
36 to the commission department for the all-terrain
37 vehicle and snowmobile program of the state programs.
38 All-terrain vehicle fees shall be used only for all-

39 terrain vehicle programs and snowmobile fees shall be
 40 used only for snowmobile programs. Joint programs
 41 shall be supported from both types of fees on a usage
 42 basis. The snowmobile program shall include cost-
 43 sharing of snowmobile facilities and programs with
 44 political subdivisions or incorporated private
 45 organizations or both in accordance with rules adopted
 46 by the commission. The all-terrain vehicle program
 47 shall consist only of grants, subgrants, and contracts
 48 with political subdivisions or incorporated private
 49 organizations for all-terrain vehicle facilities and
 50 programs, including safety programs. All grantees,

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1 subgrantees, or contractors of the all-terrain vehicle
 2 program must establish and implement a safety
 3 instruction program either singly or in cooperation
 4 with other grantees, subgrantees, or contractors. At
 5 least fifty percent of the special fund shall be
 6 available for the political subdivisions or
 7 incorporated private organizations or both. Money
 8 from the special fund not utilized by the political
 9 subdivisions or incorporated private organizations, or
 10 both shall be utilized remain in the all-terrain
 11 vehicle or snowmobile program of the state accounts.
 12 The department may utilize funds from these accounts
 13 for the administration of the all-terrain vehicle and
 14 snowmobile programs.”
 15 6. Page 13, line 21, by striking the word
 16 “department” and inserting the following:
 17 “commission”.

COMMITTEE ON NATURAL RESOURCES
 KENNETH SCOTT, Chairperson

S-3562

1 Amend House File 178 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, lines 10 and 11, by striking the words
 4 “of the ~~said~~ department” and inserting the following:
 5 “of the said department adopted pursuant to this
 6 chapter”.
 7 2. Page 3, by striking line 1 and inserting the
 8 following: “regulation of the said department rules
 9 adopted pursuant to this chapter”.
 10 3. Page 4, by striking lines 13 through 18 and

11 inserting the following:

12 The ~~state Iowa~~ department of public health, with
 13 the advice of the hospital licensing board, shall
 14 adopt ~~and enforce rules and setting out the standards~~
 15 for the different types of hospitals to be licensed
 16 under this chapter; ~~to further the purposes of the~~
 17 chapter. The department of inspections and appeals
 18 shall enforce the rules. Rules”.

19 4. Page 5, lines 15 and 16, by striking the words
 20 “~~Iowa department of public health~~” and inserting the
 21 following: “Iowa department of public health and the
 22 department of inspections and appeals”.

23 5. Page 5, by striking lines 21 and 22, and
 24 inserting the following: “of health and adoption by
 25 the Iowa department of ~~inspections and appeals public~~
 26 health.”

COMMITTEE ON STATE GOVERNMENT
 BOB M. CARR, Chairperson

S-3563

1 Amend House File 643 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 “Section 1. Section 91C.7, Code 1989, is amended
 5 to read as follows:

6 91C.7 ~~STATE CONTRACTS.~~

7 1. A contractor who is not registered with the
 8 labor commissioner as required by this chapter shall
 9 not be awarded a contract to perform work for the
 10 state or an agency of the state.

11 2. An out-of-state contractor, before commencing a
 12 contract in excess of five thousand dollars in value
 13 in Iowa, shall file a bond with the division of labor
 14 services of the department of employment services,
 15 with sureties to be approved by the division of labor
 16 services. The bond shall be in the sum of the greater
 17 of the following:

18 a. One thousand dollars.

19 b. Five percent of the contract price.

20 Release of the bond shall be conditioned upon the
 21 payment of all taxes, including contributions due
 22 under the unemployment compensation insurance system,
 23 penalties, interest, and related fees, which may
 24 accrue to the state of Iowa or its subdivisions on
 25 account of the execution and performance of the
 26 contract. If at any time during the term of the bond
 27 the department of revenue and finance determines that

28 the amount of the bond is not sufficient to cover the
29 tax liabilities accruing to the state of Iowa or its
30 subdivisions, the department shall require the bond to
31 be increased by an amount the department deems
32 sufficient to cover the tax liabilities accrued and to
33 accrue under the contract. The department shall adopt
34 rules for the collection of the forfeiture. Notice
35 shall be provided to the surety and to the contractor.
36 Notice to the contractor shall be mailed to the
37 contractor's last known address and to the
38 contractor's registered agent for service of process,
39 if any, within the state. The contractor or surety
40 shall have the opportunity to apply to the director of
41 revenue and finance for a hearing within thirty days
42 after the giving of such notice. Upon the failure to
43 timely request a hearing, the bond shall be forfeited.
44 If, after the hearing upon timely request, the
45 department of revenue and finance finds that the
46 contractor has failed to pay the total of all taxes
47 payable, the department shall order the bond
48 forfeited. The amount of the forfeiture shall be the
49 amount of taxes payable or the amount of the bond.
50 The surety shall not have standing to contest the

Page 2

1 amount of any taxes payable. For purposes of this
2 section "taxes payable" means all tax, penalties,
3 interest, and fees that the department of revenue and
4 finance has previously determined to be due to the
5 state or a subdivision of the state by assessment or
6 in an appeal of an assessment, including contributions
7 to the unemployment compensation insurance system.
8 If it is determined that this subsection may cause
9 denial of federal funds which would otherwise be
10 available, or would otherwise be inconsistent with
11 requirements of federal law, this subsection shall be
12 suspended, but only to the extent necessary to prevent
13 denial of the funds or to eliminate the inconsistency
14 with federal requirements.

15 Sec. 2. Section 91C.8, subsection 2, unnumbered
16 paragraph 1, Code 1989, is amended to read as follows:

17 If, upon investigation, the labor commissioner or
18 the commissioner's authorized representative believes
19 that a contractor has violated either any of the
20 following, the commissioner shall with reasonable
21 promptness issue a citation to the contractor:

22 Sec. 3. Section 91C.8, subsection 2, Code 1989, is
23 amended by adding the following new paragraph:

24 NEW PARAGRAPH c. The requirement that an out-of-
 25 state contractor file a bond with the division of
 26 labor services.
 27 Sec. 4. Section 103A.24, Code 1989, is repealed.”

COMMITTEE ON STATE GOVERNMENT
 BOB M. CARR, Chairperson

S-3564

1 Amend House File 451 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by striking line 8 and inserting the
 4 following: “chapter 37, entities organized under
 5 chapter 28E having gross receipts in excess of one
 6 hundred thousand dollars in a fiscal year, merged
 7 areas, area education agencies, and all”.
 8 2. Page 1, by striking line 18 and inserting the
 9 following:
 10 “Subject to the exceptions and requirements of
 11 subsection 2 and subsection 4, paragraph “c”,”.
 12 3. Page 1, by striking line 27 and inserting the
 13 following:
 14 “b. A city, school district, area education
 15 agency, entity organized under chapter 28E, county,
 16 county hospital, or”.
 17 4. Page 1, by inserting after line 30 the
 18 following:
 19 “c. The governing body of a city, school district,
 20 area education agency, entity organized under chapter
 21 28E, county, county hospital, or memorial hospital
 22 contracting with or employing a certified public
 23 accountant to perform an audit shall notify the
 24 auditor of state of the selection by June 1 of the
 25 year to be audited. If the governing body fails to
 26 notify the auditor of state of the selection, the
 27 auditor of state may perform the audit required in
 28 subsection 1.”
 29 5. Page 2, by striking line 9 and inserting the
 30 following: “county hospital, memorial hospital,
 31 entity organized under chapter 28E, merged area,
 32 area”.
 33 6. Page 2, by striking line 27 and inserting the
 34 following: “subdivision. If the governmental
 35 subdivision has not contracted with or employed a
 36 certified public accountant to perform an audit of the
 37 fiscal year in which the petition is received by the
 38 auditor of state, the auditor of state may perform an
 39 audit required by subsection 1 or 3.”

- 40 7. Page 3, by striking line 17 and inserting the
41 following: "the state. The guidelines shall include
42 a requirement that the certified public accountant
43 immediately notify the auditor of state regarding any
44 suspected embezzlement or theft. The auditor shall
45 also provide standard reporting".
- 46 8. Page 4, by striking lines 5 and 6 and
47 inserting the following: "conducted pursuant to
48 subsections 1 through 3 in an amount approved by the
49 executive council. The funds collected shall be".
- 50 9. Page 4, by striking lines 29 through 31 and

Page 2

- 1 inserting the following:
2 "Failure to file ~~such the~~ report with the auditor
3 of state within thirty days after receiving
4 notification of not receiving the audit report shall
5 bar ~~such the~~ accountant from making any ~~city, or~~
6 school governmental subdivision audits thereafter
7 under the provisions of section ~~11.18~~ 11.6 for the
8 following fiscal year."
- 9 10. Page 6, by striking lines 33 and 34 and
10 inserting the following:
11 "Sec. ____ . APPLICABILITY. This Act applies to
12 audits of the fiscal year ending June 30, 1989, and
13 subsequent fiscal years."
- 14 11. Title page, by striking lines 6 and 7 and
15 inserting the following: "providing properly related
16 matters, and providing for the applicability of the
17 Act."

COMMITTEE ON STATE GOVERNMENT
BOB M. CARR, Chairperson

S-3565

- 1 Amend House File 448, as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 18 the
4 following:
5 "Sec. 100. Section 111.85, subsection 8, Code
6 1989, is amended to read as follows:
7 8. The county recorder shall remit to the
8 commission all fees from the sale of user permits
9 within ten days from the end of the month. The
10 commission shall remit the fees from sales of user
11 permits to the treasurer of state who shall place the
12 money in a state park, forest, and recreation area

13 facilities improvement trust fund. Notwithstanding
 14 section 453.7, subsection 2, interest or earnings on
 15 investments or time deposits of the funds in the state
 16 park, forest and recreation area facilities
 17 improvement trust fund shall be credited to that fund.
 18 The money in that fund is appropriated to the
 19 commission solely for renovation, replacement, and
 20 improvement of facilities otherwise acquired in state
 21 parks, forests, and recreation areas. Notwithstanding
 22 ~~chapters 96 and chapter~~ 97B, persons employed by the
 23 commission with the money from the trust fund are not
 24 eligible for membership in the Iowa public employees'
 25 retirement system ~~or eligible to receive unemployment~~
 26 ~~compensation benefits~~ by virtue of this employment.
 27 Sec. ____ . Section 100 of this Act, being deemed of
 28 immediate importance, takes effect upon enactment."
 29 2. Title page, line 1, by striking the words "the
 30 coverage of" and inserting the following: "certain
 31 employment benefit coverages for".
 32 3. Title page, line 2, by inserting after the
 33 word "law" the following: "and for persons employed
 34 by the natural resource commission under the
 35 unemployment compensation law".
 36 4. By renumbering as necessary.

COMMITTEE ON BUSINESS
 AND LABOR RELATIONS
 JOHN A. PETERSON, Chairperson

S-3566

1 Amend Senate File 495 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 15.108, subsection 1,
 5 paragraph d, Code 1989, is amended by striking the
 6 paragraph.
 7 Sec. 2. **NEW SECTION. 28.151 IOWA SCIENCE AND**
 8 **TECHNOLOGY FOUNDATION ESTABLISHED -- MISSION.**
 9 The general assembly finds and declares that the
 10 public good requires that Iowa successfully
 11 participate and compete in the emerging world economy.
 12 An Iowa science and technology foundation is
 13 established to formulate and implement plans and
 14 programs for the development of advanced sciences and
 15 technologies and to facilitate their commercial
 16 application within the state, including determining
 17 the needs of individual Iowa businesses for scientific
 18 and technological innovations to improve products and

19 processes, and encouraging the transfer of the
20 technology from the laboratory to the factory.
21 The mission of the foundation shall include but is
22 not limited to the following:
23 1. A program to identify barriers which may hinder
24 the development and exploitation of technology in the
25 global economy.
26 2. Continued development of Iowa's capacity for
27 scientific and technological innovation.
28 3. A cooperative, coordinated program of
29 forecasting, assessment, development, and commercial
30 transfer involving Iowa's capacity for scientific and
31 technological innovation.
32 4. Formulation of a long-range strategic plan to
33 guide state investment in applied research,
34 development, and commercial transfer of selected
35 scientific and technological innovation.
36 5. A mechanism to organize funding from a variety
37 of sources to support the development and commercial
38 transfer of scientific and technological innovation.
39 6. An outreach program to actively seek and
40 improve products and processes with Iowa's scientific
41 and technological innovations.
42 7. A study of the need for a seed capital fund
43 which shall be administered by the board to provide
44 seed capital for the commercialization of products, or
45 the development of processes or materials through
46 research at Iowa colleges and universities or by
47 private industry. The study shall include
48 recommendations.
49 The foundation consists of a board of directors, an
50 advisory council, an executive director, and staff.

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1 Sec. 3. NEW SECTION. 28.153 AUTHORIZED
2 CORPORATION.
3 The Iowa science and technology foundation shall be
4 incorporated under chapter 504A. The foundation shall
5 not be regarded as a state agency, except for purposes
6 of chapter 17A. A member of the board of directors is
7 not considered a state employee, except for purposes
8 of chapter 25A. The executive director is a state
9 employee except for purposes of the merit system
10 provisions of chapter 19A and chapter 20. A natural
11 person employed by the executive director is a state
12 employee.
13 Sec. 4. NEW SECTION. 28.154 BOARD OF DIRECTORS.
14 1. The board of directors is established
15 consisting of the following standing members and

16 governor-appointed members:

17 a. The following standing members:

18 (1) One board member to represent each state
19 university's consortium appointed by the president of
20 each state university.

21 (2) The director of the department of economic
22 development or the director's designee.

23 (3) The chairperson of the Iowa product
24 development corporation.

25 (4) Five board members from private industry with
26 an emphasis on persons involved directly in research
27 and development in private industry. The five board
28 members shall be appointed from a list of candidates
29 provided by the Iowa business council which shall
30 include persons in small business manufacturing and
31 persons in large business manufacturing. Three of the
32 five members shall be appointed by the legislative
33 council and two of the members shall be appointed by
34 the governor.

35 (5) One board member elected by the science and
36 technology advisory council.

37 (6) A president of an area community college, or
38 the president's designee.

39 (7) One board member representing the Iowa
40 association of independent colleges and universities.

41 b. The following ex officio, nonvoting members:

42 (1) Four board members, with one board member
43 appointed by each of the following persons: the
44 speaker of the house of representatives, the minority
45 leader of the house of representatives, the majority
46 leader of the senate, and the minority leader of the
47 senate.

48 (2) One board member appointed by the governor.

49 (3) One board member appointed by a foreign trade
50 foundation if such a foundation is established by

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1 enactment of the Seventy-third General Assembly.

2 2. The board of directors shall be bipartisan and
3 gender balanced in accordance with sections 69.16 and
4 69.16A.

5 3. The terms of the appointed members shall be for
6 four years and shall be staggered as determined by the
7 standing members. Any vacancy shall be filled by the
8 appointing authority. Members are eligible for actual
9 expense reimbursement while fulfilling duties of the
10 foundation. The governor and the legislative council
11 shall convene the initial meeting of the board. The
12 board shall elect a chairperson from among its

13 members.

14 Sec. 5. NEW SECTION. 28.155 GENERAL POWERS AND
15 DUTIES.

16 The board of directors shall have all the general
17 powers needed to carry out its mission and duties
18 including but not limited to the following:

19 1. To prepare and adopt a strategic plan as
20 defined in section 28.157.

21 2. To fund research projects as defined in section
22 28.158.

23 3. To sue and be sued in its own name.

24 4. To adopt a corporate seal.

25 5. To adopt bylaws for its management consistent
26 with the provisions of this division.

27 6. To make and execute agreements, contracts and
28 other instruments, with any public or private entity,
29 including but not limited to a state, federal, or
30 other governmental agency.

31 7. To accept contributions, including but not
32 limited to appropriations, gifts, grants, loans,
33 services, or other aid or assistance from public or
34 private entities. A record of all contributions,
35 stating the type, amount, and donor, shall be clearly
36 set forth in the board's annual report along with a
37 record of other receipts.

38 8. To establish policy in the general
39 administration of the affairs of the foundation.

40 9. To employ an executive director and authorize
41 the hiring of other employees as it deems necessary.

42 10. To seek to achieve through the powers of the
43 board the findings of section 28.151.

44 11. To collaborate with the consortia as
45 established in chapter 262B.

46 12. To provide as necessary, staff services for
47 the advisory council.

48 13. To convene the advisory council annually to
49 receive the board of director's recommendations.

50 14. To establish an advisory committee of business

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1 or academic specialists as necessary.

2 15. Submit an annual report to the governor, the
3 secretary of the senate, and the chief clerk of the
4 house of representatives, not later than November 1 of
5 each year.

6 16. To collaborate with the Iowa product
7 development corporation to acquire new technology
8 where appropriate.

9 Sec. 6. NEW SECTION. 28.156 EXECUTIVE DIRECTOR -

10 -DUTIES.

11 Under the general direction of the board of
12 directors, the executive director shall have the
13 following duties:

14 1. Manage and operate the foundation, including
15 employing and directing foundation staff.

16 2. Advise the board on matters relating to the
17 mission of the foundation, or finances and actions of
18 the board.

19 3. Make an annual report to the board for its
20 approval of the foundation's activities and fiscal
21 condition, including:

22 a. Matters relating to operations and
23 accomplishments.

24 b. A summary of receipts and expenditures, in
25 accordance with the classifications the board
26 establishes for its operating accounts.

27 c. A summary of assets and liabilities and the
28 status of special accounts.

29 d. A statement of proposed and projected
30 activities.

31 e. Recommendations to the general assembly.

32 f. An identification of performance goals of the
33 foundation and the extent of progress during the
34 reporting period in attaining the goals.

35 g. A written report by the auditor of state
36 pursuant to chapter 11.

37 4. Monitor the activities and receive copies of
38 the annual report made pursuant to section 262B.5 of
39 the research consortia located at Iowa state
40 university of science and technology, the university
41 of Iowa, and the university of northern Iowa.

42 5. Collect pertinent information on research in
43 process and funding requests where appropriate at Iowa
44 state university of science and technology, the
45 university of Iowa, and the university of northern
46 Iowa for the purpose of encouraging technology
47 transfer where appropriate.

48 Sec. 7. NEW SECTION. 28.157 STRATEGIC PLAN FOR
49 SCIENCE AND TECHNOLOGY DEVELOPMENT.

50 1. The foundation shall prepare a strategic plan

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1 for development of advanced technologies in Iowa. The
2 plan shall serve as the basis for general foundation
3 activities.

4 2. The plan shall set forth the foundation's
5 findings with regard to fields of scientific research
6 which offer the greatest potential for commercial

7 development within the state. The plan shall propose
8 programs to enhance the effectiveness of Iowa
9 university and college and private sector research
10 facility participation in such fields of research and
11 for improving the transfer of research technology to
12 the private sector.

13 3. The plan shall include findings and
14 recommendations for the coordination of activities of
15 technology centers operated by regents' universities,
16 the center for industrial research and service, the
17 small business development centers, and programs of
18 the department of economic development, all of which
19 shall cooperate with the foundation in formulation of
20 the plan.

21 4. The plan shall be formulated in cooperation
22 with university-based research consortia at the three
23 regents' universities, private colleges and
24 universities, community colleges, and private
25 business. The plan shall include findings with regard
26 to research interest of private business, on improving
27 accessibility of private business to university
28 technology resources, identification of barriers to
29 effective technology transfer, and on fields of
30 research having potential for commercial utilization
31 by Iowa firms. The plan shall include the
32 availability and possible acquisition of advanced
33 technology nationally and internationally for transfer
34 to Iowa technological projects.

35 5. The plan shall be formulated to provide for the
36 strengthening and expansion of existing industry, the
37 creation of new business where deemed necessary and
38 feasible, and the attraction of technology-based
39 businesses to the state.

40 Sec. 8. NEW SECTION. 28.158 FUNDING OF
41 ACTIVITIES.

42 1. The foundation may receive state appropriations
43 and other resources for purposes including but not
44 limited to the following:

45 a. To provide financial assistance to research
46 projects which are consistent with the commercial
47 development objectives of the strategic plan and which
48 involve collaboration between an Iowa college or
49 university and a private firm. The foundation shall
50 provide a peer review process for projects and

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1 research funded by the foundation.

2 b. To undertake market studies and other analyses
3 of commercial applications of existing or potential

4 research and development efforts.
5 c. To provide applied technology outreach services
6 and programs.
7 d. To review existing licenses and patents and
8 bring potentially applicable information to the
9 attention of the board and the Iowa-based industries
10 for which the patent and license information might be
11 applicable.
12 e. To review current research.
13 f. To regularly monitor the industrial base of
14 Iowa and, when possible, to encourage contact between
15 research efforts and appropriate industries.
16 2. The foundation shall have authority over the
17 education and agriculture research and development
18 account under section 99E.32, subsection 1, paragraph
19 "b", effective July 1, 1990, and it shall adopt rules
20 for the administration of the account to provide for
21 financial assistance for research programs related to
22 the strategic plan. State funds awarded by the
23 foundation shall be matched by nonstate sources. The
24 foundation shall establish by administrative rule the
25 requirements for the matching of state funds by
26 nonstate sources. The rules shall include but are not
27 limited to the following nonstate sources for meeting
28 the matching requirements:
29 a. Laboratory space provided by the private sector
30 collaborator.
31 b. Financial assistance.
32 c. Personnel and technical services.
33 d. Machinery or equipment.
34 3. The foundation shall seek financial support for
35 its activities from private sources and from programs
36 of the federal government for support of the research
37 interests and other activities set forth in the
38 strategic plan.
39 4. The foundation is to encourage aggressive
40 pursuit of sponsored research by persons affiliated
41 with Iowa colleges and universities and by private
42 business, without regard to the relationship of such
43 research to the foundation's program or to the
44 strategic plan. The foundation shall not control
45 research prerogatives of colleges or universities,
46 their faculty, or private persons, or businesses. The
47 foundation may, upon request, provide assistance to
48 colleges and universities for acquisition of financial
49 support for research activities from federal
50 government and other sources.

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1 5. The foundation shall coordinate with other
2 state and federal entities the following activities:

3 a. The establishment of funding for the projects
4 under subsection 1.

5 b. The review of current research policy
6 direction.

7 c. The provision of technical outreach services to
8 existing Iowa business and industry.

9 The foundation may sponsor applications of or
10 formally recommend specific projects to any private,
11 state, federal, or local program.

12 Sec. 9. NEW SECTION. 28.159 SCIENCE AND
13 TECHNOLOGY ADVISORY COUNCIL.

14 1. There is established within the science and
15 technology foundation an advisory council. The
16 advisory council shall study and review the growth of
17 technology in the world economy. The council shall
18 annually review the foundation's strategic plan in
19 conjunction with federal research policy and the
20 federal research policy's effect on research in Iowa.
21 The council shall advise the board on the most
22 productive role for Iowa in the areas of science and
23 technology with an emphasis on determining Iowa's
24 strengths in technology.

25 2. The council shall consist of the following
26 members:

27 a. One member appointed by each member of the Iowa
28 congressional delegation.

29 b. Three members appointed by the legislative
30 council from a list of candidates provided by the Iowa
31 business council.

32 c. Three members appointed by the governor from a
33 list of candidates provided by the Iowa business
34 council.

35 d. One member from each of the following:

36 (1) The national science foundation.

37 (2) The national institute of health.

38 (3) Any other appropriate federal agency as the
39 foundation deems appropriate.

40 3. The council shall be bipartisan and gender
41 balanced in accordance with sections 69.16 and 69.16A.

42 Sec. 10. Section 262B.4, subsection 2, Code 1989,
43 is amended by adding the following new paragraph:

44 NEW PARAGRAPH. e. Provide applied technical
45 referral services, if appropriate, including but not
46 limited to the following duties:

47 (1) To determine and evaluate the research or
48 applied technology needs of businesses requesting

49 assistance.

50 (2) To recommend technology transfer strategies to

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1 businesses for developing and testing new products,
2 adapting new technologies to manufacturing processes
3 or methods, conducting marketing analyses of new
4 products or processes, and identifying potential
5 financing on new technology-based products or
6 manufacturing processes.

7 (3) To refer businesses to universities, community
8 colleges, small business development centers, other
9 private businesses, and other research and technology
10 transfer activities and programs which are beneficial
11 to the development of new products and the application
12 of technology.

13 Sec. 11. Sections 28.51 through 28.55, Code 1989,
14 are repealed.

15 Sec. 12. Sections 1 and 11 of this Act are
16 effective July 1, 1990."

17 2. Title page, lines 1 and 2, by striking the
18 words ", and authorizing the issuance of bonds".

LEONARD L. BOSWELL
JOHN KIBBIE
RICHARD V. RUNNING

S-3567

1 Amend Senate File 443 as follows:

2 1. Page 1, by striking lines 23 through 27 and
3 inserting the following: "However, this paragraph
4 does not apply to applications for federal entitlement
5 funds based on cargo landed weight or enplaned
6 passengers."

7 2. Title page, line 2, by striking the word
8 "certain".

JEAN LLOYD-JONES

S-3568

1 Amend House File 198, as amended and passed by the
2 House, as follows:

3 1. Page 1, line 19, by inserting after the word
4 "operators." the following: "A designated operator's
5 license shall be assigned to not more than three
6 operators during a year and a designated operator's

7 license shall be valid for use only by an operator who
8 possesses the license and has signed the license. The
9 signature of any preceding designated operator who
10 possessed the license shall be crossed out."

11 2. Page 1, line 21, by inserting after the word
12 "license" the following: "which is signed by the
13 operator. A designated operator's license which is
14 not signed by the operator in possession of the
15 license is forfeited to the state."

KENNETH SCOTT
BERL PRIEBE
H. KAY HEDGE

S-3569

1 Amend House File 98, as passed by the House, as
2 follows:

DIVISION S—3569A

3 1. Page 1, by striking lines 1 and 2 and
4 inserting the following:
5 "Sec. ____ . Section 524.1202, subsection 2,
6 paragraph a, subparagraphs (1) through (3), Code 1989,
7 are amended to read as follows:

8 (1) If the municipal corporation or urban complex
9 has a population of one hundred thousand or less
10 according to the most recent federal census, the state
11 bank shall not establish more than ~~three~~ four bank
12 offices.

13 (2) If the municipal corporation or urban complex
14 has a population of more than one hundred thousand but
15 not more than two hundred thousand according to the
16 most recent federal census, the state bank shall not
17 establish more than ~~four~~ five bank offices."

DIVISION S—3569B

18 2. Page 1, by inserting after line 6 the
19 following:

20 "Sec. ____ . NEW SECTION. 524.1213 UNITED
21 COMMUNITY BANK OFFICES.

22 1. A bank may convert to a united community bank
23 office as provided in this section.

24 2. A united community bank office formed under
25 this section shall have a united community bank office
26 board, at least one-half or more of the members of
27 which shall be residents of the county in which the

28 united community bank office is located. The
29 liability of the united community bank office board
30 shall be limited as provided in section 524.614. The
31 bank establishing and operating the united community
32 bank office may indemnify members of the united
33 community bank office board as agents of the bank in
34 the manner and in the instances authorized by section
35 496A.4A.

36 3. A bank may convert to a united community bank
37 office by merger or consolidation with one or more
38 other banks which are affiliates of the bank, as
39 defined in section 524.1101. The bank resulting from
40 the merger or consolidation may retain and operate as
41 its retained united community bank offices the
42 principal places of business of the affiliate banks
43 which are merged or consolidated into the resulting
44 bank, and may retain and operate as its retained bank
45 offices all bank offices of the affiliate banks which
46 are merged or consolidated into the resulting bank.
47 4. The resulting bank may establish bank offices
48 and facilities allowed by other sections of this
49 chapter to the same extent as if the merger or
50 consolidation had not occurred. Each united community

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DIVISION S—3569B (cont'd.)

1 bank office may establish bank offices and facilities
2 allowed by other sections of this chapter to the same
3 extent as if the merger or consolidation had not
4 occurred and the united community bank office had
5 remained a bank.

6 5. Retained united community bank offices and
7 retained bank offices as provided in this section
8 shall be operated by the resulting bank in the same
9 manner as bank offices established under section
10 524.1201.

11 6. This section does not alter the limitations
12 upon bank holding companies contained in section
13 524.1802.

14 7. The privileges of this section are available on
15 the same conditions to national banks.”

16 3. Title page, line 3, by inserting after the
17 word “located” the following: “and the formation of
18 united community bank offices”.

S-3570

1 Amend Senate File 480 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 145.3, subsection 3, paragraph
5 h, Code 1989, is amended to read as follows:

6 h. The commissioner of insurance and the director
7 of public health require the collection of physicians
8 and registered nurses billing information from third-
9 party payers and self-insurers as specified by the
10 health data commission ~~by July 1, 1986~~. This billing
11 information shall be collected for physicians as
12 defined by section 135.1 and for registered nurses
13 licensed under chapter 152. The collection,
14 correlation, and development of this data shall
15 include, but not be limited to, information and
16 reports covering the physician designations as defined
17 in section 135.1 and registered nurses licensed under
18 chapter 152 and shall be made available annually.

19 Sec. 2. Section 509.3, Code 1989, is amended by
20 adding the following new subsection:

21 **NEW SUBSECTION. 8.** A provision shall be made
22 available to policyholders, under group policies
23 covering hospital, medical, or surgical expenses, for
24 payment of covered services determined to be medically
25 necessary provided by registered nurses certified by a
26 national certifying organization, which organization
27 shall be identified by the Iowa board of nursing
28 pursuant to rules adopted by the board, if the
29 services are within the practice of the profession of
30 a registered nurse as that practice is defined in
31 section 152.1, under terms and conditions agreed upon
32 between the insurer and the policyholder, subject to
33 utilization controls. This subsection shall not
34 require payment for nursing services provided by a
35 certified nurse practicing in a hospital, nursing
36 facility, health care institution, physician's office,
37 or other noninstitutional setting if the certified
38 nurse is an employee of the hospital, nursing
39 facility, health care institution, physician, or other
40 health care facility or health care provider. This
41 subsection applies to group policies delivered or
42 issued for delivery in this state on or after July 1,
43 1989, and to existing group policies on their next
44 anniversary or renewal dates, or upon expiration of
45 the applicable collective bargaining contract, if any,
46 whichever is later. This subsection does not apply to
47 blanket, short-term travel, accident only, limited or

48 specified disease, or individual or group conversion
49 policies, policies rated on a community basis, or
50 policies designed only for issuance to persons for

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1 eligible coverage under Title XVIII of the federal
2 Social Security Act, or any other similar coverage
3 under a state or federal government plan.
4 Sec. 3. Section 514.7, Code 1989, is amended by
5 adding the following new unnumbered paragraph:
6 **NEW UNNUMBERED PARAGRAPH.** A provision shall be
7 available in approved contracts with hospital and
8 medical service corporate subscribers under group
9 subscriber contracts or plans covering medical and
10 surgical service, for payment of covered services
11 determined to be medically necessary provided by
12 certified registered nurses certified by a national
13 certifying organization, which organization shall be
14 identified by the Iowa board of nursing pursuant to
15 rules adopted by the board, if the services are within
16 the practice of the profession of a registered nurse
17 as that practice is defined in section 152.1, under
18 terms and conditions agreed upon between the
19 corporation and subscriber group, subject to
20 utilization controls. This paragraph shall not
21 require payment for nursing services provided by a
22 certified registered nurse practicing in a hospital,
23 nursing facility, health care institution, a
24 physician's office, or other noninstitutional setting
25 if the certified registered nurse is an employee of
26 the hospital, nursing facility, health care
27 institution, physician, or other health care facility
28 or health care provider. This paragraph applies to
29 group subscriber contracts delivered in this state on
30 or after July 1, 1989, and to group subscriber
31 contracts on their anniversary or renewal date, or
32 upon the expiration of the applicable collective
33 bargaining contract, if any, whichever is the later.
34 This paragraph does not apply to limited or specified
35 disease or individual contracts or contracts designed
36 only for issuance to subscribers eligible for coverage
37 under Title XVIII of the federal Social Security Act,
38 contracts which are rated on a community basis, or any
39 other similar coverage under a state or federal
40 government plan.
41 Sec. 4. Section 514.21, Code 1989, is amended to
42 read as follows:
43 **514.21 UTILIZATION REVIEW PROGRAM.**
44 A utilization review program shall be established

45 for purposes of health care cost control, according to
46 usual and customary third-party insurance payment or
47 reimbursement procedures, by a corporation subject to
48 this chapter and by physician providers as defined in
49 section 135.1 and registered nurse providers licensed
50 under chapter 152. This utilization review program

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1 shall not be used directly or indirectly to circumvent
2 the provisions for payment or reimbursement to
3 providers of health care services as provided in
4 section 509.3, ~~subsection~~ subsections 7 and 8, and
5 section 514.7.
6 Sec. 5. Section 514B.1, subsection 2, Code 1989,
7 is amended by adding the following new unnumbered
8 paragraph:
9 **NEW UNNUMBERED PARAGRAPH.** The health care services
10 available to enrollees under prepaid group plans
11 covering hospital, medical, or surgical expenses, may
12 include, at the option of the employer purchaser, a
13 provision for payment of covered services determined
14 to be medically necessary provided by a certified
15 registered nurse certified by a national certifying
16 organization, which organization shall be identified
17 by the Iowa board of nursing pursuant to rules adopted
18 by the board, if the services are within the practice
19 of the profession of a registered nurse as that
20 practice is defined in section 152.1, under terms and
21 conditions agreed upon between the employer purchaser
22 and the health maintenance organization, subject to
23 utilization controls. This paragraph shall not
24 require payment for nursing services provided by a
25 certified registered nurse practicing in a hospital,
26 nursing facility, health care institution, a
27 physician's office, or other noninstitutional setting
28 if the certified registered nurse is an employee of
29 the hospital, nursing facility, health care
30 institution, physician, or other health care facility
31 or health care provider. This paragraph applies to
32 services provided under plans within this state made
33 on or after July 1, 1989, and to existing group plans
34 on their next anniversary or renewal date, or upon the
35 expiration of the applicable collective bargaining
36 contract, if any, whichever is later. This paragraph
37 does not apply to enrollees eligible for coverage
38 under an individual contract or coverage designed only
39 for issuance to enrollees eligible for coverage under
40 Title XVIII of the federal Social Security Act, or
41 under coverage which is rated on a community basis, or

42 any other similar coverage under a state or federal
43 government plan.

44 Sec. 6. Section 514F.1, Code 1989, is amended to
45 read as follows:

46 514F.1 UTILIZATION AND COST CONTROL REVIEW
47 COMMITTEES.

48 The boards of examiners under chapters 148, 149,
49 150, 150A, 151, 152, and 153 shall establish
50 utilization and cost control review committees of

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1 licensees under the respective chapters, selected from
2 licensees who have practiced in Iowa for at least the
3 previous five years, or shall accredit and designate
4 other utilization and cost control organizations as
5 utilization and cost control committees under this
6 section, for the purposes of utilization review of the
7 appropriateness of levels of treatment and of giving
8 opinions as to the reasonableness of charges for
9 diagnostic or treatment services of licensees.

10 Persons governed by the various chapters of Title XX
11 of the Code and self-insurers for health care benefits
12 to employees may utilize the services of the
13 utilization and cost control review committees upon
14 the payment of a reasonable fee for the services, to
15 be determined by the respective boards of examiners.
16 The respective boards of examiners under chapters 148,
17 149, 150, 150A, 151, 152, and 153 shall adopt rules
18 necessary and proper for the implementation of this
19 section pursuant to chapter 17A. It is the intent of
20 this general assembly that conduct of the utilization
21 and cost control review committees authorized under
22 this section shall be exempt from challenge under
23 federal or state antitrust laws or other similar laws
24 in regulation of trade or commerce.

25 Sec. 7. Section 514F.3, Code 1989, is amended to
26 read as follows:

27 514F.3 PREFERRED PROVIDERS.

28 The commissioner of insurance shall adopt rules for
29 preferred provider contracts and organizations, both
30 those that limit choice of specific provider and those
31 that do not. The rules adopted shall include, but not
32 be limited to, the following subjects: preferred
33 provider arrangements and participation requirements,
34 health benefit plans, and civil penalties. The rules
35 shall require that any group preferred provider
36 arrangement shall include the same benefits that are
37 covered by insurers under section 509.3, nonprofit
38 health service corporations under section 514.7, and

39 health maintenance organizations under section
 40 514B.1."
 41 2. Title page, by striking lines 1 through 4 and
 42 inserting the following: "An Act relating to
 43 insurance coverage for health care services, requiring
 44 that coverage be made available for care provided by
 45 certain registered nurses, providing for direct
 46 payment, modifying provisions relating to preferred
 47 providers, and providing for data collection and
 48 utilization review."

WALLY E. HORN

S-3571

1 Amend Senate File 221 as follows:
 2 1. Page 1, by striking lines 10 through 13 and
 3 inserting the following: "place of business specified
 4 on the license of any fur dealer. A licensed fur
 5 dealer may purchase location permits to operate at
 6 locations other than at the location specified on the
 7 fur dealer's license. Each location permit shall be
 8 valid only for the one location specified on the
 9 location permit and shall entitle the fur dealer and
 10 employee, agent, or representative of the licensed fur
 11 dealer to operate at that location. The commission
 12 shall, upon application and the payment of the
 13 required license fee, furnish the proper certificates
 14 license and location permits to dealers the dealer.

15 Sec. 2. Section 110.1, subsection 5, Code 1989, is
 16 amended by adding the following new lettered
 17 paragraphs following paragraph "e" and relettering the
 18 remaining paragraph:

- 19 f. Location permit for resident fur dealers \$ 25.00
- 20 g. Location permit for nonresident fur dealers . \$ 50.00"

DALE L. TIEDEN

S-3572

1 Amend House File 729 as amended, passed and
 2 reprinted by the House, as follows:
 3 1. Page 5, by striking lines 10 through 23.

WALLY HORN

S-3573

1 Amend House File 703, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 16, by inserting after the words
4 "payment program." the following: "The department may
5 use all or a portion of the funds available for
6 traditional or new infrastructure to provide loan loss
7 reserves or to pay issuance costs or other costs
8 associated with municipal bonds sold by the local
9 community."

10 2. Page 1, line 20, by inserting after the word
11 "for" the following: "the".

12 3. Page 1, line 21, by striking the word "years"
13 and inserting the following: "year".

14 4. Page 1, line 21, by striking the words and
15 figures "July 1, 1988, and".

16 5. Page 1, by inserting before line 25 the
17 following:

18 "Sec. ____ . Section 15.286, subsection 2, Code
19 1989, is amended to read as follows:

20 2. Applicants must be seeking funds to assist in
21 meeting the area needs of ~~low lower~~ and ~~moderate very~~
22 low income families in pursuit of decent housing or in
23 meeting the purposes of the housing trust fund program
24 as described in section 220.100, subsection 2."

25 6. By striking page 1, line 25, through page 2,
26 line 6, and inserting the following:

27 "Sec. ____ . Section 15.286, subsection 3, Code
28 1989, is amended by striking the subsection and
29 inserting in lieu thereof the following:

30 3. For purposes of this section:

31 a. "Lower income families" means lower income
32 families as defined in section 220.1, subsection 3.

33 b. "Very low income families" means very low
34 income families as defined in section 220.1, subsec-
35 tion 4."

36 7. Page 2, by inserting before line 7 the
37 following:

38 "Sec. ____ . Section 15.286, subsection 4, paragraph
39 b, subparagraph (3), Code 1989, is amended to read as
40 follows:

41 (3) Programs to assist ~~low lower~~ income, ~~and~~ the
42 disadvantaged, ~~or the disabled.~~"

43 8. Page 2, by inserting before line 7 the
44 following:

45 "Sec. ____ . Section 15.286, subsection 4, paragraph
46 b, Code 1989, is amended by adding the following new
47 subparagraph:

48 NEW SUBPARAGRAPH. (6) A project involving a
 49 community development corporation or financial insti-
 50 tution participating in a federal or state community

Page 2

1 reinvestment program.”

2 9. Page 2, by inserting before line 7 the
 3 following:

4 “Sec. ____ . Section 15.286, Code 1989, is amended
 5 by adding the following new subsection:

6 NEW SUBSECTION. 6. A housing project which re-
 7 ceives funds under the rural community 2000 program,
 8 for the portion of the project receiving funding under
 9 the rural community 2000 program shall provide, as
 10 nearly as practical, that twenty-five percent of the
 11 housing units, as nearly as practical, be available
 12 for very low income families and seventy-five percent
 13 of the housing units be available for lower income
 14 families.”

15 10. Page 2, by inserting before line 7, the
 16 following:

17 “Sec. ____ . Section 15.288, Code 1989, is amended
 18 to read as follows:

19 15.288 LOCAL BONDS NOT REQUIRED -- INDEBTEDNESS
 20 LIMITATIONS.

21 A city, county, political subdivision, or other
 22 municipal corporation shall not be required to issue
 23 its bonds to secure loans under the ~~community and~~
 24 ~~rural development loan~~ rural community 2000 program.
 25 It is the intent of the general assembly that loans
 26 received by a city, county, political subdivision, or
 27 other municipal corporation under the loan program
 28 shall not constitute an indebtedness of that entity
 29 within the meaning of any state constitutional
 30 provision or statutory limitation. A city, county,
 31 political subdivision, or other municipal corporation,
 32 which issues bonds, may repay a loan received through
 33 a state funded program by a tax levied for a debt
 34 service fund under sections 331.430, subsection 2, and
 35 384.4, subsection 2.”

36 11. Page 3, by inserting before line 19 the
 37 following:

38 “Sec. ____ . Section 331.430, subsection 2,
 39 paragraph b, Code 1989, is amended to read as follows:

40 b. Interest as it becomes due and the amount
 41 necessary to pay, or to create a sinking fund to pay,
 42 the principal at maturity of all general obligation
 43 bonds issued by the county or to create a sinking fund
 44 to pay amounts due on loans received through the

45 community and rural development loan program or the
 46 rural community 2000 program."

47 12. Page 3, by inserting before line 19, the
 48 following:

49 "Sec. ____ . Section 384.4, subsection 2, Code 1989,
 50 is amended to read as follows:

Page 3

1 2. Interest as it becomes due and the amount
 2 necessary to pay, or to create a sinking fund to pay,
 3 the principal at maturity of all general obligation
 4 bonds issued by the city, ~~or~~ to pay, or to create a
 5 sinking fund to pay, amounts as due on loans received
 6 through the Iowa community development loan program,
 7 or to create a sinking fund to pay amounts due on
 8 loans received through the community and rural
 9 development loan program or the rural community 2000
 10 program."
 11 13. Renumber as necessary.

COMMITTEE ON SMALL BUSINESS
 AND ECONOMIC DEVELOPMENT
 LEONARD L. BOSWELL, Chairperson

S-3574

1 Amend Senate Concurrent Resolution 12 as follows:
 2 1. By striking page 1, line 5 through page 2,
 3 line 18, and inserting the following:
 4 "of a state public transit assistance fund distri-
 5 bution formula recommended by the Iowa public
 6 transit assistance distribution study steering
 7 committee.
 8 WHEREAS, a public transit assistance distribution
 9 study was provided for in 1988 Iowa Acts, chapter
 10 1019, section 18, to study the mechanisms for the
 11 distribution of the public transit assistance fund;
 12 and
 13 WHEREAS, the study was completed by a private
 14 consulting firm, Ernst & Whinney, under the direction
 15 of the Iowa public transit assistance distribution
 16 study steering committee; and
 17 WHEREAS, the recommendations of the study were
 18 unanimously approved by the Iowa public transit
 19 assistance distribution study steering committee; and
 20 WHEREAS, the Iowa public transit assistance
 21 distribution study steering committee received no
 22 communication from public transit system operators who

23 oppose implementation of the study recommendations;

24 NOW THEREFORE,

25 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,

26 That the air and transit division of the state

27 department of transportation is directed to amend 761

28 Iowa administrative code, rules 920.1 through 920.6,

29 to eliminate the "regional set-aside" from the current

30 public transit assistance distribution formula as

31 recommended in the final report of the Iowa public

32 transit assistance distribution study steering

33 committee, dated January 1989, commencing with the

34 fiscal year beginning July 1, 1989.

35 BE IT FURTHER RESOLVED, That a public transit

36 system in this state shall not receive less funding

37 from the public transit assistance fund, excluding

38 special project funding, for the fiscal year beginning

39 July 1, 1989, than the public transit system received

40 from the public transit assistance fund for the fiscal

41 year beginning July 1, 1988.

42 BE IT FURTHER RESOLVED, That the air and transit

43 division of the state department of transportation, if

44 necessary for implementation of the study

45 recommendation for the fiscal year beginning July 1,

46 1989, use the emergency filing and effective date

47 provisions of Code section 17A.5, subsection 2,

48 paragraph "b".

JEAN LLOYD-JONES

S-3575

1 Amend Senate File 431 as follows:

2 1. Page 1, by striking lines 8 through 22 and

3 inserting the following:

4 "Sec. ____ Section 206.5, unnumbered paragraphs 2

5 and 3, Code 1989, are amended to read as follows:

6 The secretary shall adopt, by rule, requirements

7 for the ~~examination, reexamination, and~~ certification

8 of applicants.

9 Commercial ~~and public~~ applicators shall choose

10 between one-year certification for which the

11 applicator shall pay a thirty dollar fee or three-year

12 certification for which the applicator shall pay a

13 seventy-five dollar fee. Public applicators shall be

14 exempt from the thirty and seventy-five dollar

15 certification fees and instead be subject to a ten-

16 dollar annual certification fee or a fifteen dollar

17 fee for a three-year certification. ~~The A~~ commercial,

18 public, or private applicator shall be tested prior to

19 initial certification. In addition, a commercial,
 20 public, or private applicator shall be reexamined
 21 every three years following initial certification
 22 before the applicator is eligible for a renewal of
 23 certification.

24 A commercial, public, or private applicator to
 25 renew certification shall not be subject to
 26 reexamination but shall be certified by an
 27 instructional center upon completion each year
 28 following initial certification of at least four hours
 29 of continuing education. The continuing education
 30 shall relate to fundamental principles and practices
 31 regarding pest problems and pest control, according to
 32 a curriculum established by the department. The
 33 curriculum may include instruction in the use of
 34 pesticide devices, the calculation of spray
 35 ingredients and use of sprayers, the mixing of
 36 pesticides, and the cleanup of chemical spills. As
 37 used in this paragraph, "instructional center" means
 38 either an area school, as defined in section 280A.2,
 39 which is approved by the department to provide
 40 certification, or the extension services at Iowa state
 41 university of science and technology.

42 PARAGRAPH DIVIDED. However, a commercial, public,
 43 or”.

44 2. Page 4, line 20, by inserting after the word
 45 “by” the following: “private applicators.”.

46 3. Page 5, by striking line 2, and inserting the
 47 following:

48 “In the case of a violation by a private
 49 applicator, the penalty shall not exceed fifty dollars
 50 for each day the violation continues. If the private

Page 2

1 applicator has a previous violation, the penalty shall
 2 not exceed one hundred dollars for each day the
 3 violation continues.

4 In the case of a violation by a public or
 5 commercial”.

6 4. Title page, line 2, by striking the word
 7 “commercial”.

8 5. By renumbering as necessary.

S-3576

1 Amend House File 713, 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. ____ . NEW SECTION. 455G.1 ENVIRONMENTAL
6 PROTECTION POLICY.

7 Value in the natural environment extends beyond
8 immediate economic self-interest. There is inherent
9 value in soil, plants, animals, air, and water. The
10 state recognizes that these components, which
11 collectively make up the land, are the basis from
12 which wealth and happiness are derived.

13 In order to preserve and enhance the inherent value
14 of the land itself, and in order to assure future
15 generations of Iowans a healthy environment in which
16 to work and live, it is declared to be the policy of
17 the state of Iowa to protect living and nonliving
18 components of our land to the maximum extent
19 practical.

20 The office of the environmental advocate is
21 established to assist in this effort. The office of
22 the environmental advocate shall speak for the land at
23 the highest levels of Iowa government."

24 2. Page 1, lines 4 and 5, by striking the words
25 "attorney general" and inserting the following:
26 "governor".

27 3. Page 1, line 6, by inserting after the word
28 "advocate." the following: "The appointment is
29 subject to senate confirmation, in accordance with
30 section 2.32."

31 4. Page 1, line 6, by striking the word "six" and
32 inserting the following: "four".

33 5. Page 1, by striking lines 20 through 25 and
34 inserting the following:

35 "4. The environmental advocate may be removed from
36 office as provided pursuant to chapter 68."

37 6. Page 2, by inserting after line 15, the
38 following:

39 "f. Beginning January 15, 1991, and each January
40 15 thereafter, submit to the governor and to the
41 general assembly a state of the environment report."

42 7. Page 2, by inserting after line 29 the
43 following:

44 "1. The office of the environmental advocate is an
45 autonomous state agency which is attached to the
46 department of justice for organizational purposes
47 only.

48 The office of the environmental advocate shall
 49 determine its own organization, adopt rules under
 50 chapter 17A, and do such other things as may be

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1 necessary in and incidental to the administration of
 2 this chapter.
 3 The office of the environmental advocate shall
 4 function at the seat of government, or at such other
 5 place as the environmental advocate might designate.”
 6 8. By renumbering sections and subsections in the
 7 Act, new section numbers, and internal references as
 8 necessary.

COMMITTEE ON ENVIRONMENT
 AND ENERGY UTILITIES
 PAT DELUHERY, Chairperson

S-3577

1 Amend House File 598 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by striking lines 9 through 20, and
 4 inserting the following:
 5 “b. Adopt rules which require each public water
 6 system regulated under chapter 455B to test the source
 7 water of that supply for the presence of synthetic
 8 organic chemicals and pesticides every two years. The
 9 rules shall enumerate the synthetic organic chemicals
 10 and pesticides, but not more than ten of each, for
 11 which the samples are to be tested; shall specify the
 12 approved analytical methods for conducting the
 13 analysis of water samples; and shall require the
 14 reporting of the analytical test results to the
 15 department. Priority for testing in the first year
 16 shall be those public water supplies for which none of
 17 the specified contaminants have been analyzed within
 18 the past five years. All of the tests shall be
 19 conducted by a single laboratory. The laboratory
 20 shall be selected by the department on the basis of
 21 competitive bids. The laboratory selected shall allow
 22 private well and privately owned public water supply
 23 samples to undergo the same analysis for the same
 24 price. The department shall submit a report to the
 25 general assembly, by September 1 of each year, of the

26 findings of the tests and the conclusions which may be
27 drawn from the tests."

COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES
PAT DELUHERY, Chairperson

S-3578

1 Amend House File 656, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, line 13, by inserting after the figure
4 "18.18." the following: "However, the administrator
5 need not purchase garbage can liners in accordance
6 with the schedule if the liners are utilized by a
7 facility, approved by the water, air and waste
8 management commission, for recycling."

COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES
PAT DELUHERY, Chairperson

S-3579

1 Amend House File 692, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 18 and 19 and
4 inserting the following: "special classification.
5 However, a".
6 2. Page 2, by striking lines 24 and 25 and
7 inserting the following:
8 "g. The facilities licensed under this subsection
9 shall be eligible for funding utilized by other
10 licensed residential care".

COMMITTEE ON HUMAN RESOURCES
BEVERLY A. HANNON, Chairperson

S-3580

1 Amend House File 343, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 21, line 13, by striking the words
4 "serial number and".
5 2. Page 21, by inserting after line 34 the
6 following:
7 "e. Prescription drug samples dispensed by a

- 8 practitioner licensed by law to administer such drugs
 9 are exempt from section 203B.10.”
- 10 3. Page 22, line 12, by striking the words “or
 11 new animal drug”.
- 12 4. Page 22, by striking lines 26 through 34.
- 13 5. Page 28, by inserting after line 2 the
 14 following:
 15 “(4) Duly employed sales representatives of
 16 pharmaceutical companies acting in the normal and
 17 customary performance of their duties.”
- 18 6. Page 28, line 3, by striking the figure “(4)”
 19 and inserting the following: “(5)”.
- 20 7. Page 29, by inserting after line 31 the
 21 following:
 22 “Sec. ____ . NEW SECTION. 203B.20 CHAPTER NOT
 23 APPLICABLE TO COMMERCIAL FEED.
 24 This chapter does not apply to the Iowa Commercial
 25 Feed Law of 1974 under chapter 198 or to
 26 administrative rules adopted pursuant to chapter 198.”
- 27 8. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES
 BEVERLY A. HANNON, Chairperson

S-3581

- 1 Amend Senate File 373 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 “Section 1. Section 476.10, unnumbered paragraph
 5 1, Code 1989, is amended to read as follows:
 6 When the board deems it necessary in order to carry
 7 out the duties imposed upon it by this chapter for the
 8 purpose of determining rate matters to investigate the
 9 books, accounts, practices, and activities of, or make
 10 appraisals of the property of any public utility, or
 11 to render any engineering or accounting services to
 12 any public utility, or to review the operations or
 13 annual reports of the public utility under section
 14 476.31 or 476.32, or to evaluate a proposal for
 15 reorganization under section 476.73, the public
 16 utility shall pay the expense reasonably attributable
 17 to the investigation, appraisal, service, or review.
 18 The board shall ascertain the expenses including
 19 certified expenses incurred by the consumer advocate
 20 division of the department of justice directly
 21 chargeable to the public utility under section 475A.6,
 22 and shall render a bill, by certified mail, to the
 23 public utility, either at the conclusion of the

24 investigation, appraisal, services, or review, or from
25 time to time during its progress, which bill is notice
26 of the assessment and shall demand payment. The total
27 amount of such expense in any one calendar year, for
28 which any public utility shall become liable, shall
29 not exceed two-tenths of one percent of its gross
30 operating revenues derived from intrastate public
31 utility operations in the last preceding calendar
32 year.

33 Sec. 2. NEW SECTION. 476.67 PURPOSE.

34 It is the intent of the general assembly that a
35 public utility should not directly or indirectly
36 include in regulated rates or charges any costs or
37 expenses of an affiliate engaged in any business other
38 than that of utility business unless the affiliate
39 provides goods or services to the public utility. The
40 costs that are included should be reasonably necessary
41 and appropriate for utility business. It is also the
42 intent of the general assembly that a public utility
43 should only provide nonutility services in a manner
44 that minimizes the possibility of cross-subsidization
45 or unfair competitive advantage.

46 Sec. 3. NEW SECTION. 476.68 DEFINITIONS.

47 As used in this division, unless the context
48 otherwise requires:

49 1. "Public utility" includes only gas or electric
50 rate-regulated public utilities and rate-regulated

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1 telephone utilities providing local exchange
2 telecommunication service.

3 2. "Affiliate" means a party that directly, or
4 indirectly through one or more intermediaries,
5 controls, is controlled by, or is under common control
6 with a rate-regulated public utility.

7 3. "Control" means the possession, direct or
8 indirect, of the power to direct or cause the
9 direction of the management and policies of an
10 enterprise through ownership, by contract or
11 otherwise.

12 4. "Utility business" means the generation or
13 transmission of electricity or furnishing of gas or
14 furnishing electricity or furnishing rate-regulated
15 communications services to the public for
16 compensation.

17 5. "Nonutility service" includes the sale, lease,
18 or other conveyance of commercial and residential gas
19 or electric appliances, interior lighting systems and
20 fixtures, or heating, ventilating, or air conditioning

21 systems and component parts or the servicing, repair,
 22 or maintenance of such equipment. It does not include
 23 emergency service performed by a public utility to
 24 correct malfunctions or interruptions in the
 25 generation, transmission, distribution, or use of
 26 natural gas or electricity that, if not corrected, may
 27 endanger life or property or otherwise affect public
 28 safety. It does not include the lighting or
 29 extinguishing of pilot lights and incidental service
 30 and maintenance work necessary to restore and maintain
 31 electrical or gas service.

32 Sec. 4. NEW SECTION. 476.69 AFFILIATE RECORDS.
 33 1. ACCESS TO RECORDS. Every public utility and
 34 affiliate through the public utility shall provide the
 35 board with access to books, records, accounts,
 36 documents, and other data and information which the
 37 board finds necessary to effectively implement and
 38 effectuate the provisions of this chapter.

39 2. SEPARATE RECORDS. The board may require
 40 affiliates of a public utility to keep separate
 41 records and the board may provide for the examination
 42 and inspection of the books, accounts, papers, and
 43 records, as may be necessary to enforce this chapter.

44 3. ALLOCATION PERMITTED. The board may inquire as
 45 to and prescribe, for ratemaking purposes, the
 46 allocation of capitalization, earnings, debts, and
 47 expenses related to ownership, operation, or
 48 management of affiliates.

49 Sec. 5. NEW SECTION. 476.70 AFFILIATE
 50 INFORMATION REQUIRED TO BE FILED.

Page 3

1 1. GOODS AND SERVICES. All contracts or
 2 arrangements providing for the furnishing or receiving
 3 of goods and services including but not limited to the
 4 furnishing or receiving of management, supervisory,
 5 construction, engineering, accounting, legal,
 6 financial, marketing, data processing, or similar
 7 services made or entered into on or after July 1,
 8 1989, between a public utility and any affiliate shall
 9 be filed annually with the board.

10 2. SALES, PURCHASES, AND LEASES. All contracts or
 11 arrangements for the purchase, sale, lease, or
 12 exchange of any property, right, or thing made or
 13 entered into on or after July 1, 1989, between a
 14 public utility and any affiliate shall be filed
 15 annually with the board.

16 3. LOANS. All contracts or arrangements providing
 17 for any loan of money or an extension or renewal of

18 any loan of money or any similar transaction made or
19 entered into on or after July 1, 1989, between a
20 public utility and any affiliate, whether as
21 guarantor, endorser, surety, or otherwise, shall be
22 filed annually with the board.

23 4. VERIFIED COPIES REQUIRED. Every public utility
24 shall file with the board a verified copy of the
25 contract or arrangement referred to in this section,
26 or a verified summary of the unwritten contract or
27 arrangement, and also of all the contracts and
28 arrangements or a verified summary of the unwritten
29 contracts or arrangements, whether written or
30 unwritten, entered into prior to July 1, 1989, and in
31 force and effect at that time. Any contract or
32 agreement determined by the board to be a confidential
33 record pursuant to section 22.7 shall be returned to
34 the public utility filing the confidential record
35 within sixty days after the contract or agreement is
36 filed.

37 5. EXEMPTION. The provisions of this section
38 requiring filing of contracts or agreements with the
39 board shall not apply to transactions with an
40 affiliate where the amount of consideration involved
41 is not in excess of fifty thousand dollars or five
42 percent of the capital equity of the utility,
43 whichever is smaller. However, regularly recurring
44 payments under a general or continuing arrangement
45 which aggregate a greater annual amount shall not be
46 broken down into a series of transactions to come
47 within this exemption. In any proceeding involving
48 the rates, charges or practices of the public utility,
49 the board may exclude from the accounts of the public
50 utility any unreasonable payment or compensation made

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1 pursuant to any contract or arrangement which is not
2 required to be filed under this subsection.

3 6. CONTINUING JURISDICTION. The board shall have
4 the same jurisdiction over modifications or amendments
5 of contracts or arrangements in this section as it has
6 over the original contracts or arrangements. Any
7 modification or amendment of contracts or arrangements
8 shall also be filed annually with the board.

9 7. SANCTION. For ratemaking purposes, the board
10 may exclude the payment or compensation to an
11 affiliate or adjust the revenue received from an
12 affiliate associated with any contract or arrangement
13 required to be filed with the board if the contract or
14 arrangement is not so filed.

15 8. ALTERNATIVE INFORMATION. The board shall
16 consult with other state and federal regulatory
17 agencies for the purpose of eliminating duplicate or
18 conflicting filing requirements and may adopt rules
19 which provide that comparable information required to
20 be filed with other state or federal regulatory
21 agencies may be accepted by the board in lieu of
22 information required by this section.

23 9. REASONABLENESS REQUIRED. In any proceeding,
24 whether upon the board's own motion or upon
25 application or complaint involving the rates, charges,
26 or practices of any public utility, the board, for
27 ratemaking purposes may exclude from the accounts of
28 the public utility or adjust any payment or
29 compensation related to any transaction with an
30 affiliate for any services rendered or for any
31 property or service furnished or received, as
32 described in this section, under contracts or
33 arrangements with an affiliate unless and upon inquiry
34 the public utility shall establish the reasonableness
35 of the payment or compensation.

36 10. EXEMPTION BY RULE OR WAIVER. The board may
37 adopt rules which exempt any public utility or class
38 of public utility or class of contracts or
39 arrangements from this section or waive the
40 requirements of this section if the board finds that
41 the exemption or waiver is in the public interest.

42 Sec. 6. NEW SECTION. 476.71 AUDITS REQUIRED.

43 The board may periodically retain a nationally or
44 regionally recognized independent auditing firm to
45 conduct an audit of the transactions between a public
46 utility and its affiliates. An affiliate transaction
47 audit shall not be conducted more frequently than
48 every three years, unless ordered by the board for
49 good cause. The cost of the audit shall be paid by
50 the public utility to the independent auditing firm

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1 and shall be included in its regulated rates and
2 charges, unless otherwise ordered by the board for
3 good cause after providing the public utility the
4 opportunity for a hearing on the board's decision.

5 Sec. 7. NEW SECTION. 476.72 REORGANIZATION
6 DEFINED.

7 For purposes of this division unless the context
8 otherwise requires, "reorganization" means either of
9 the following:

10 1. The acquisition, sale, lease, or any other
11 disposition, directly or indirectly, including by

12 merger or consolidation, of the whole or any
13 substantial part of a public utility's assets.

14 2. The purchase or other acquisition or sale or
15 other disposition of the controlling capital stock of
16 any public utility, either directly or indirectly.

17 Sec. 8. NEW SECTION. 476.73 TIME AND STANDARDS
18 FOR REVIEW.

19 1. A reorganization shall not take place if the
20 board disapproves. Prior to reorganization, the
21 applicant shall file with the board a proposal for
22 reorganization with supporting testimony and evidence
23 to establish that the reorganization is not contrary
24 to the interests of the public utility's ratepayers
25 and the public interest.

26 2. A proposal for reorganization shall be deemed
27 to have been approved unless the board disapproves the
28 proposal within forty-five days after its filing.
29 However, the board shall not disapprove a proposal for
30 reorganization without providing for notice and
31 opportunity for hearing. The notice of hearing shall
32 be provided no later than twenty-one days after the
33 proposal for reorganization has been filed.

34 3. In its review of a proposal for reorganization,
35 the board may consider all of the following:

36 a. Whether the board will have reasonable access
37 to books, records, documents, and other information
38 relating to the public utility or any of its
39 affiliates.

40 b. Whether the public utility's ability to attract
41 capital on reasonable terms, including the maintenance
42 of a reasonable capital structure, is impaired.

43 c. Whether the ability of the public utility to
44 provide safe, reasonable, and adequate service is
45 impaired.

46 d. Whether ratepayers are detrimentally affected.

47 e. Whether the public interest is detrimentally
48 affected.

49 4. EXEMPTION BY RULE OR WAIVER. The board may
50 adopt rules which exempt any public utility or class

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1 of public utility or class of reorganization from this
2 section if the board finds that with respect to the
3 public utility or class of public utility or class of
4 reorganization review is not necessary in the public
5 interest. The board may adopt rules necessary to
6 protect the interest of the customers of the exempt
7 public utility. These rules may include, but are not
8 limited to, notification of a proposed sale or

9 transfer of assets or stock. The board may waive the
10 requirements of this section, if the board finds that
11 board review is not necessary in the public interest.

12 Sec. 9. NEW SECTION. 476.74 CROSS-SUBSIDIZATION
13 PROHIBITED.

14 A rate-regulated gas or electric public utility
15 shall not directly or indirectly include any costs or
16 expenses attributable to providing nonutility service
17 in regulated rates or charges.

18 Sec. 10. NEW SECTION. 476.75 PROVISION OF
19 NONUTILITY SERVICE.

20 1. A rate-regulated gas or electric public utility
21 providing any nonutility service to its customers
22 shall keep and render to the board separate records of
23 the nonutility service. The board may provide for the
24 examination and inspection of the books, accounts,
25 papers, and records of the nonutility service, as may
26 be necessary, to enforce any provisions of this
27 chapter.

28 2. The board shall adopt rules which specify the
29 manner and form of the accounts relating to providing
30 nonutility services which the rate-regulated gas or
31 electric utility shall maintain.

32 Sec. 11. NEW SECTION. 476.76 ADDITIONAL
33 REQUIREMENTS.

34 A rate-regulated gas or electric public utility
35 which engages in a systematic marketing effort as
36 defined by the board, other than on an incidental or
37 casual basis, to promote the availability of
38 nonutility service from the public utility shall make
39 available on a nondiscriminatory basis to all persons
40 engaged primarily in providing the same competitive
41 nonutility services in that area all of the following
42 services to the same extent utilized by the public
43 utility in connection with its nonutility services:

44 1. Access to and use of the public utility's
45 customer lists.

46 2. Access to and use of the public utility's
47 billing and collection system.

48 3. Access to and use of the public utility's
49 mailing system.

50 Sec. 12. NEW SECTION. 476.77 AUDIT REQUIRED.

Page 7

1 The board may periodically retain a nationally or
2 regionally recognized independent auditing firm to
3 conduct an audit of the nonutility services provided
4 by a rate-regulated gas or electric public utility
5 subject to the provisions of section 476.76. A

6 nonutility service audit shall not be conducted more
7 frequently than every three years, unless ordered by
8 the board for good cause. The cost of the audit shall
9 be paid by the public utility to the independent
10 auditing firm and shall be included in its regulated
11 rates and charges, unless otherwise ordered by the
12 board for good cause after providing the public
13 utility the opportunity for a hearing on the board's
14 decision.

15 Sec. 13. NEW SECTION. 476.78 EXEMPTION -- ENERGY
16 EFFICIENCY.

17 Notwithstanding any language to the contrary,
18 nothing in this division shall prohibit a public
19 utility from participating in or conducting energy
20 efficiency projects or programs established or
21 approved by the board or required by statute. A
22 public utility participating in or conducting energy
23 efficiency projects or programs established or
24 approved by the board or required by statute shall not
25 be subject to the provisions of sections 476.76 and
26 476.77 for those energy efficiency projects or
27 programs.

28 Sec. 14. NEW SECTION. 476.79 COMPLAINTS.

29 Any person may file a written complaint with the
30 board requesting the board to determine compliance by
31 a rate-regulated gas or electric utility with the
32 provisions of section 476.74, 476.75, or 476.76 or any
33 validly adopted rules to implement those sections. If
34 the board determines there is any reasonable ground to
35 investigate the complaint, the board shall promptly
36 initiate formal complaint proceedings. The formal
37 proceeding may be initiated at any time by the board
38 on its own motion.

39 Sec. 15. Sections 476.67 through 476.79 created
40 under this Act shall be a separate division of chapter
41 476."

MICHAEL E. GRONSTAL
RICHARD VARN
PAUL PATE
MARK R. HAGERLA
JOHN SOORHOLTZ
PAT DELUHERY
AL STURGEON
JIM LIND

S-3582

1 Amend Senate File 271 as follows:
2 1. Page 1, line 12, by inserting after the word
3 "categories." the following: "For purposes of this
4 section, "employer" shall not include an agency or
5 business employing a person whose earning capacity is
6 impaired by mental retardation, mental illness or
7 deficiency, developmental disability, or physical
8 deficiency or a person who receives financial
9 assistance under chapter 237, 249, or 249A."

JOHN A. PETERSON

S-3583

1 Amend Senate File 309 as follows:
2 1. Page 1, line 5, by inserting after the word
3 "assist" the following: "all".
4 2. Page 1, by inserting after line 19 the
5 following:
6 "3. The department shall provide for the training
7 of representative payees."
8 3. Page 1, line 20, by striking the figure "3"
9 and inserting the following: "4".
10 4. Page 1, line 24, by striking the figure "4"
11 and inserting the following: "5".
12 5. Page 1, line 27, by striking the figure "5"
13 and inserting the following: "6".
14 6. Page 1, line 27, by inserting after the word
15 "volunteer" the following: ", who may be a
16 representative payee,".
17 7. Page 1, line 31, by striking the figure "6"
18 and inserting the following: "7".
19 8. Page 1, by inserting after line 34 the
20 following:
21 "8. For purposes of this section, "representative
22 payee" means a person appointed by the Social Security
23 administration to provide financial management
24 services, without compensation, to individuals
25 receiving Social Security administration or other
26 government benefits, who are medically incapable of
27 making responsible financial decisions."
28 9. Page 2, line 7, by inserting after the word
29 "department." the following: "The state board and its
30 members are not liable, jointly or severally, for
31 actions or omissions taken or made in the official
32 discharge of their duties, except those acts or
33 omissions constituting willful or wanton misconduct."

- 34 10. Page 2, line 15, by striking the word "shall"
35 and inserting the following: "may".
- 36 11. Page 2, by striking lines 19 and 20 and
37 inserting the following: "in situations where there
38 is sufficient time to review the patient's condition,
39 and a reasonably prudent person would consider a".
- 40 12. Page 2, line 24, by striking the words "ad
41 litem".
- 42 13. Page 2, line 26, by striking the words "ad
43 litem".
- 44 14. Page 2, line 27, by inserting after the word
45 "board" the following: "and its members".
- 46 15. Page 2, line 29, by striking the word "its"
47 and inserting the following: "their".
- 48 16. Page 2, line 32, by inserting after the word
49 "board" the following: "or state board".
- 50 17. Page 3, by striking lines 30 through 32 and

Page 2

- 1 inserting the following: "~~such duties and determines~~
2 ~~that~~ the corporation does not possess a proprietary or
3 legal interest in an organization which provides
4 direct services to the individual."
- 5 18. Page 4, by striking lines 8 and 9 and
6 inserting the following:
7 "In a proceeding for the appointment of a guardian,
8 the proposed ward shall be given written".
- 9 19. Page 4, line 23, by inserting after the word
10 "rights." the following: "In an involuntary
11 guardianship proceeding, the notice shall be served
12 upon the proposed ward with the notice of the filing
13 of the petition as provided in section 633.554. In a
14 proceeding for appointment of a guardian on a
15 voluntary petition, the notice shall be served upon
16 the proposed ward prior to the appointment of a
17 guardian."
- 18 20. Page 4, by striking lines 34 and 35, and
19 inserting the following:
20 "In a proceeding for the appointment of a
21 conservator, the proposed ward shall be given
22 written".
- 23 21. Page 5, line 1, by striking the words "a
24 notice" and inserting the following: "notice".
- 25 22. Page 5, line 3, by striking the word
26 "principle" and inserting the following: "principal".
- 27 23. Page 5, line 14, by inserting after the word
28 "rights." the following: "In an involuntary
29 conservatorship proceeding, the notice shall be served
30 upon the proposed ward with the notice of the filing

31 of the petition as provided in section 633.568. In a
 32 proceeding for appointment of a conservator on a
 33 voluntary petition, the notice shall be served upon
 34 the proposed ward prior to the appointment of a
 35 conservator."

36 24. Page 5, line 23, by inserting after the word
 37 "proceedings," the following: "except where the
 38 petitions are combined,".

RICHARD VARN

S-3584

1 Amend House File 355, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 4, by striking lines 12 through 17, and
 4 inserting the following:

5 "1. An application for a travel agency must be
 6 accompanied by a surety or cash performance bond in
 7 conformity with rules adopted by the secretary in the
 8 principal amount of ten thousand dollars, with an
 9 aggregate limit of ten thousand dollars. The bond
 10 shall be executed by a surety company authorized to do
 11 business in this state, and the bond shall be
 12 continuous in nature until canceled by the surety with
 13 not less than thirty days written notice to both the
 14 registrant and to the secretary. The notice shall
 15 indicate the surety's intent to cancel the bond on a
 16 date at least thirty days after the date of the
 17 notice."

18 2. Page 4, line 28, by striking the words "or
 19 other equitable relief".

WILLIAM D. PALMER

S-3585

1 Amend House File 740, 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 728.4, Code 1989, is amended
 6 to read as follows:

7 728.4 RENTAL OR SALE OF HARD CORE PORNOGRAPHY.

8 A person who knowingly rents, sells, or offers for
 9 rental or sale material depicting a sex act involving
 10 sadomasochistic abuse, excretory functions, or
 11 bestiality, which the average adult taking the

12 material as a whole in applying contemporary community
13 standards would find appeals to the prurient interest
14 and is patently offensive; and which material, taken
15 as a whole, lacks serious literary, scientific,
16 political, or artistic value, upon conviction is
17 guilty of an aggravated misdemeanor. Charges under
18 this section may only be brought by a county attorney
19 or by the attorney general.

20 Sec. 2. This Act, being deemed of immediate
21 importance, takes effect upon its enactment.”

22 2. Title page, line 1, by striking the words “,
23 providing penalties,”.

24 3. Title page, line 2, by inserting after the
25 word “applicable” the following: “and providing an
26 effective date”.

TOM MANN, Jr.
JULIA GENTLEMAN
WALLY E. HORN
LINN FUHRMAN

S-3586

1 Amend House File 570 as passed by the House as
2 follows:

3 1. Page 1, line 15, by inserting after the word
4 “dollars” the following: “and a fee of fifteen
5 dollars”.

JIM LIND

S-3587

1 Amend House Joint Resolution 12, as passed by the
2 House, as follows:

3 1. Page 1, line 12, by inserting after the word
4 “law,” the following: “This section shall not be
5 construed to grant, secure, deny, or restrict any
6 rights relating to abortion or the funding of
7 abortion.”

WILLIAM W. DIELEMAN

S-3588

1 Amend House File 690, as amended, passed, and
2 reprinted by the House, as follows:

- 3 1. By striking page 1, line 32 through page 2,
- 4 line 9.
- 5 2. By striking page 11, line 11 through page 12,
- 6 line 7.
- 7 3. Page 13, by striking line 14.
- 8 4. Title page, lines 3 and 4 by striking the
- 9 words "religious exemptions regarding children,".
- 10 5. By renumbering as necessary.

COMMITTEE ON JUDICIARY
 DONALD V. DOYLE, Chairperson

S-3589

- 1 Amend House File 18, as passed by the House as
- 2 follows:
- 3 1. By striking page 2, line 10 through page 3,
- 4 line 25.

COMMITTEE ON JUDICIARY
 DONALD V. DOYLE, Chairperson

S-3590

- 1 Amend House File 740, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, by striking lines 15 through 18 and
- 4 inserting the following: "of the minor, but shall
- 5 report depictions involving a prohibited sexual act.
- 6 This section shall".

DONALD V. DOYLE

S-3591

- 1 Amend House File 722, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by striking lines 1 through 23, and
- 4 inserting the following:
- 5 "2. The department shall institute an infectious
- 6 waste management program in consultation with the Iowa
- 7 department of public health. The program shall
- 8 include all of the following elements:
- 9 a. Recommendations to the commission for revision
- 10 of the rules which refer to infectious waste as
- 11 hazardous or toxic waste.
- 12 b. Initiation, in cooperation with associations of

13 health care providers of an information and education
14 effort regarding the current requirements for special
15 waste authorizations prior to the disposal of
16 infectious wastes in a landfill. The effort shall
17 include an attempt to compile an inventory of the
18 number of generators and the volumes generated. The
19 inventory shall be completed and a report regarding
20 the results of the inventory submitted to the general
21 assembly by no later than January 15, 1991.

22 c. Upon completion of the compilation of the
23 inventory, the department shall recommend, for
24 adoption by the commission, standards for on-site and
25 off-site treatment of infectious waste. The standards
26 shall include monitoring requirements for treatment
27 facilities, and training requirements for operators of
28 facilities. The standards may include requirements
29 for management plans dealing with the plans for
30 management of infectious wastes in compliance with
31 adopted standards. In cases in which an individual
32 generator of infectious waste is served by a person
33 treating or disposing of the infectious waste, the
34 person treating or disposing of the waste may prepare
35 the plan for all generators served.

36 d. The department shall implement a public
37 information program, in conjunction with the Iowa
38 department of public health and the health care
39 industry to promote public understanding of the scope
40 and features of the state's efforts to manage
41 infectious wastes."

COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES
PAT DELUHERY, Chairperson

S-3592

1 Amend House File 533 as follows:

2 1. Page 1, line 10, by striking the words "one
3 hundred" and inserting the following: "seventy-five".

4 2. Page 1, line 15, by striking the words "fifty
5 thousand" and inserting the following: "thirty-seven
6 thousand five hundred".

7 3. Page 1, line 20, by striking the words "fifty
8 thousand" and inserting the following: "thirty-seven
9 thousand five hundred".

10 4. Page 1, line 25, by striking the words
11 "twenty-five thousand" and inserting the following:
12 "seventeen thousand five hundred".

13 5. By striking page 12, line 33, through page 13,

14 line 3, and inserting the following: "However, if the
 15 grain dealer provides documentation regarding the
 16 transaction satisfactory to the department, the
 17 following transactions shall be excluded from the fee:
 18 a. Grain purchased from the United States
 19 government or any of its subdivisions or agencies.
 20 b. Grain purchased from a person licensed as a
 21 grain dealer in any jurisdiction.
 22 c. Grain purchased under a credit sale contract
 23 entered into on or before the date of delivery.
 24 **PARAGRAPH DIVIDED.** The grain dealer or warehouse
 25 operator shall".
 26 6. Page 13, line 6, by striking the word
 27 "license" and inserting the following: "licensee".
 28 7. Page 17, line 19, by striking the words
 29 "transfer of title" and inserting the following:
 30 "incurrence date".

EMIL J. HUSAK
 JOHN E. SOORHOLTZ
 KENNETH SCOTT

S-3593

1 Amend the amendment, S-3585, to House File 740 as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, line 12, by inserting after the word
 5 "applying" the following: "statewide".

TOM MANN, Jr.

S-3594

1 Amend House File 465, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 12, by inserting after the word
 4 "agreement" the following: "payable from its general
 5 fund".
 6 2. Page 1, line 13, by inserting after the word
 7 "agreements" the following: "payable from its general
 8 fund".

LEONARD L. BOSWELL

S-3595

1 Amend Senate File 214 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 135J.1 DEFINITIONS.

5 As used in this chapter, unless the context
6 otherwise requires:

7 1. "Department" means the Iowa department of
8 public health.

9 2. "Local board of health" means a county, city,
10 or district board of health as defined in section
11 137.2.

12 3. "Swimming pool" means an artificial basin and
13 its appurtenances, either constructed or operated for
14 swimming, wading, or diving, and includes a swimming
15 pool, wading pool, waterslide, or associated
16 bathhouse.

17 4. "Spa" means a bathing facility such as a hot
18 tub or whirlpool designed for recreational or
19 therapeutic use. However, "spa" does not include a
20 facility used under direct supervision of qualified
21 medical personnel.

22 Sec. 2. NEW SECTION. 135J.2 APPLICABILITY.

23 This chapter applies to all swimming pools and spas
24 owned or operated by local or state government, or
25 commercial interests or private entities including,
26 but not limited to, facilities operated by cities,
27 counties, public or private school corporations,
28 hotels, motels, camps, apartments, condominiums, and
29 health or country clubs. This chapter does not apply
30 to facilities intended for single family use. To
31 avoid duplication and promote coordination of
32 inspection activities, the department may enter into
33 agreements pursuant to chapter 28E with local boards
34 of health to provide for inspection and enforcement in
35 accordance with this chapter.

36 Sec. 3. NEW SECTION. 135J.3 REGISTRATION
37 REQUIRED.

38 A person shall not operate a swimming pool or spa
39 without first having registered with the department.
40 Registration shall be renewed annually.

41 Sec. 4. NEW SECTION. 135J.4 POWERS AND DUTIES.

42 The department is responsible for registering and
43 regulating the operation of swimming pools and spas.
44 The department shall conduct seminars and training
45 sessions, and disseminate information regarding health
46 practices, safety measures, and operating procedures
47 required under this chapter. The department may:

48 1. Inspect, at the time of installation and
49 periodically thereafter, all swimming pools and spas
50 for the purpose of detecting and eliminating health or

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1 safety hazards.
2 2. Establish minimum safety and sanitation
3 criteria for the operation and use of swimming pools
4 and spas.
5 3. Establish minimum qualifications for swimming
6 pool, spa, and waterslide operators and lifeguards.
7 4. Establish and collect fees to defray the cost
8 of administering this chapter. However, the portion
9 of fees needed to defray the costs of a local board of
10 health in implementing this chapter shall be
11 established by the local board of health.
12 5. Adopt rules in accordance with chapter 17A for
13 the implementation and enforcement of this chapter,
14 and the establishment of fees. The department shall
15 appoint an advisory committee composed of owners,
16 operators, local officials, and representatives of the
17 public to advise it in the formulation of appropriate
18 rules.
19 6. Enter into agreements with local boards of
20 health to implement the inspection and enforcement
21 provisions of this chapter. The agreements shall
22 provide that the fees necessary to cover costs of
23 inspection and enforcement by the local board of
24 health shall be retained by the board and the portion
25 of the fees necessary to cover the costs of the
26 department shall be collected and remitted to the
27 department. A local board of health may enter into
28 such an agreement with the department. However,
29 inspection fees shall not be charged by the department
30 for facilities which are inspected by third-party
31 authorities. Third-party authorities shall be
32 approved by the department. The department shall
33 monitor and certify the inspection and enforcement
34 programs of local boards of health and approved third-
35 party authorities.
36 **Sec. 5. NEW SECTION. 135J.5 PENALTY.**
37 A person who violates a provision of this chapter
38 commits a simple misdemeanor. Each day upon which a
39 violation occurs constitutes a separate violation.
40 **Sec. 6. NEW SECTION. 135J.6 ENFORCEMENT.**
41 If the department or a local board of health acting
42 pursuant to agreement with the department determines
43 that a provision of this chapter or a rule adopted
44 pursuant to this chapter has been or is being

45 violated, the department or the local board of health
46 may order that a facility or item of equipment not be
47 used until the necessary corrective action has been
48 taken. The department or the local board of health
49 may request the county attorney to bring appropriate
50 legal proceedings to enforce this chapter, including

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1 an action to enjoin violations. The attorney general
2 may also institute appropriate legal proceedings at
3 the request of the department. This remedy is in
4 addition to any other legal remedy available to the
5 department or a local board of health.

6 Sec. 7. Section 25A.14, Code 1989, is amended by
7 adding the following new subsection:

8 **NEW SUBSECTION. 13.** A claim relating to a
9 swimming pool or spa as defined in section 135J.1
10 which has been inspected in accordance with chapter
11 135J, or a swimming pool or spa inspection program,
12 which has been established or certified by the state
13 in accordance with that chapter, unless the claim is
14 based upon an act or omission of an officer or
15 employee of the state and the act or omission
16 constitutes actual malice or a criminal offense.

17 Sec. 8. Section 613A.4, Code 1989, is amended by
18 adding the following new subsection:

19 **NEW SUBSECTION. 12.** A claim relating to a
20 swimming pool or spa as defined in section 135J.1
21 which has been inspected by a municipality or the
22 state in accordance with chapter 135J, or a swimming
23 pool or spa inspection program which has been
24 certified by the state in accordance with that
25 chapter, whether or not owned or operated by a
26 municipality, unless the claim is based upon an act or
27 omission of an officer or employee of the municipality
28 and the act or omission constitutes actual malice or a
29 criminal offense."

30 2. Title page, line 2, by striking the words "
31 spas, and bathing beaches" and inserting the
32 following: "and spas".

WALLY E. HORN

S-3596

1 Amend House File 659, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 1, by striking lines 1 through 22 and

4 inserting the following:

5 "Sec. ____ . Section 261.1, subsection 6, Code 1989,
6 is amended to read as follows:

7 6. ~~Six~~ Seven additional members to be appointed by
8 the governor. One of such members shall be selected
9 to represent private colleges, private universities
10 and private junior colleges located in the state of
11 Iowa. When appointing such one member, the governor
12 shall give careful consideration to any person or
13 persons nominated or recommended by any organization
14 or association of some or all private colleges,
15 private universities and private junior colleges
16 located in the state of Iowa. One such member shall
17 be enrolled as a student at a board of regents
18 institution, merged area school, or accredited private
19 institution. One such member shall be a
20 representative of a lending institution located in
21 this state. One such member shall be a representative
22 of the Iowa student loan liquidity corporation. The
23 other three such members, none of whom shall be
24 official board members or trustees of an institution
25 of higher learning or of an association of such
26 institutions, shall be selected to represent the
27 general public.

28 Sec. ____ . Section 261.12, subsection 2, Code 1989,
29 is amended by striking the subsection and inserting in
30 lieu thereof the following:

31 2. The amount of a tuition grant to a qualified
32 part-time student enrolled in a course of study
33 including at least three semester hours but fewer than
34 twelve semester hours for the fall and spring
35 semesters, or the trimester or quarter equivalent,
36 shall be equal to the amount of a tuition grant that
37 would be paid to a full-time student times a number
38 which represents twelve semester hours, or the
39 trimester or quarter equivalent, divided by the number
40 of hours in which the part-time student is actually
41 enrolled.

42 Sec. ____ . Section 261.35, subsections 4 and 5,
43 Code 1989, are amended to read as follows:

44 4. "Higher Education Act of 1965" means the
45 federal Higher Education Act of 1965, as amended and
46 codified in 20 U.S.C. § 1071 et seq.

47 5. "Eligible borrower" means a person, or the
48 parent of a person, who is a resident of this state
49 and is enrolled or will be enrolled at an eligible
50 institution within or without the state or who is a

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1 nonresident of this state and is enrolled or will be
2 enrolled at an eligible institution within the state,
3 or who is a resident of ~~a contiguous another~~ state and
4 is borrowing from an Iowa-based eligible lender and is
5 enrolled or will be enrolled at an eligible
6 institution within or without the state, or who has
7 previously received a loan guaranteed by the
8 commission. All eligible borrowers must meet the
9 eligibility requirements established by the
10 commission. The commission shall establish the
11 qualifications for being a resident of this state;
12 however, the qualifications shall not be more
13 stringent than those established by the state board of
14 regents.

15 Sec. ____ . Section 261.37, subsection 5, Code 1989,
16 is amended to read as follows:

17 5. To ~~promulgate~~ adopt rules pursuant to chapter
18 17A to implement the provisions of this division
19 including establishing standards for educational
20 institutions, lenders, and individuals to become
21 eligible institutions, lenders, and borrowers. The
22 Notwithstanding any contrary provisions in chapter
23 537, the rules and standards established shall be
24 consistent with the requirements provided in the
25 Higher Education Act of 1965.

26 Sec. ____ . NEW SECTION. 261.43 ACTIONS NOT
27 BARRED.

28 No lapse of time is a bar to an action by the
29 commission to recover on a loan guaranteed by the
30 commission.

31 Sec. ____ . NEW SECTION. 261.44 GUARANTEED LOAN
32 PAYMENT PROGRAM.

33 A guaranteed loan payment program is established,
34 to be administered by the commission. The purpose of
35 the program is to assist individuals to enter
36 professions in areas of employment critical to the
37 welfare of the citizens of the state. The commission
38 shall adopt rules under chapter 17A to provide for the
39 administration of this program. Moneys appropriated
40 for the program shall be used to repay loans to
41 students demonstrating the greatest financial need and
42 shall not be prorated among all qualified applicants.
43 If moneys appropriated are insufficient to repay loans
44 to all qualified applicants, priority shall be given
45 to repayment of debts under the Iowa guaranteed
46 student loan program.

47 Sec. ____ . Section 261.45, Code 1989, is amended to
48 read as follows:

49 261.45 GUARANTEED TEACHER LOAN PAYMENT PROGRAM
50 PAYMENTS.

Page 3

1 There is established a guaranteed student loan
2 payment program to be administered by the commission.

3 An individual who meets all of the following
4 conditions is eligible for reimbursement payments
5 under the guaranteed loan payment program if the
6 individual meets all of the following conditions:

7 1. Is a teacher employed on a full-time basis
8 under sections 279.13 through 279.19 in a school
9 district in this state, is a teacher in an approved
10 nonpublic school in this state, or is a certified
11 teacher at the Iowa braille and sight-saving school or
12 the Iowa school for the deaf.

13 2. Has As of the beginning of a school year, has
14 an outstanding debt with an eligible lender under the
15 Iowa guaranteed student loan program as of the
16 beginning of a school year or the Iowa supplemental
17 loans for students program, has parents with an
18 outstanding debt with an eligible lender under the
19 Iowa PLUS loan program, or has an outstanding debt
20 under the Stafford loan program, the supplemental
21 loans for students program, or the PLUS loan program.

22 3. Has never defaulted on a loan guaranteed by the
23 commission or by the federal government.

24 4. Teaches one or more of the following during
25 that school year:
26 a. A sequential mathematics course at the advanced
27 algebra level or higher.

28 b. A chemistry, advanced chemistry, physics, or
29 advanced physics course.

30 5. Graduated from college after January 1, 1983,
31 with a major in mathematics or science.

32 The commission shall adopt rules under chapter 17A
33 to provide for the administration of this program.

34 There is appropriated from the general fund of the
35 state to the Iowa college aid commission, the sum of
36 eighty-five thousand dollars, or as much thereof as is
37 necessary, for the fiscal year beginning July 1, 1987
38 and each succeeding fiscal year, to make the
39 reimbursement payments required under this section.

40 ~~Maximum~~ The maximum annual reimbursement payments
41 payment to an eligible teacher for loan repayments
42 made during a school year shall be equal to ~~is~~ one
43 thousand dollars or the remainder of a the teacher's
44 loan, whichever is less. Total payments for an
45 eligible teacher shall not exceed six thousand

46 dollars. If a teacher fails to complete a year of
47 instruction in a course listed in subsection 4, the
48 teacher shall not be reimbursed for loan repayments
49 made during that school year.
50 The commission may sign contracts with eligible

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1 students at or after the time of loan origination to
2 assure loan repayment.”
3 2. Page 1, line 29, by striking the word
4 “student”.
5 3. Page 1, line 30, by striking the word “indi-
6 vidual” and inserting the following: “individual
7 therapist”.
8 4. Page 1, by striking lines 33 and 34 and in-
9 serting the following:
10 “2. Is a licensed occupational therapist under
11 chapter 148B.”
12 5. Page 2, by striking lines 3 through 7 and
13 inserting the following:
14 “4. ~~Has For the third and fourth years of an~~
15 occupational therapist program, has an outstanding
16 debt with an eligible lender under the Iowa guaranteed
17 student loan program; or the Iowa supplemental loans
18 for students program, or has parents with an
19 outstanding debt with an eligible lender under the
20 Iowa PLUS loan program, ~~for the third and fourth years~~
21 ~~of an occupational therapist program or has an~~
22 outstanding debt under the Stafford loan program, the
23 supplemental loans for students program, or the PLUS
24 loan program.”
25 6. Page 2, line 10, by inserting after the word
26 “reimbursement” the following: “payment”.
27 7. Page 2, line 12, by striking the words “shall
28 be equal to” and inserting the following: “shall be
29 equal to is”.
30 8. Page 2, line 13, by striking the word “a” and
31 inserting the following: “a the therapist’s”.
32 9. Page 2, line 17, by striking the word “in-
33 dividual” and inserting the following: “individual
34 therapist”.
35 10. Page 2, by inserting after line 18 the
36 following:
37 “The commission may sign contracts with eligible
38 students at or after the time of loan origination to
39 assure loan repayment.”
40 11. Page 2, line 22, by striking the word “stu-
41 dent”.

42 12. Page 2, by striking lines 23 through 34 and
43 inserting the following:
44 "1. Is a registered nurse or a licensed practical
45 nurse employed on a full-time basis in practice as a
46 registered nurse or licensed practical nurse in this
47 state.
48 2. As of the beginning of the state fiscal year,
49 has an outstanding debt with an eligible lender under
50 the Iowa guaranteed student loan program or the Iowa

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1 supplemental loans for students program, has parents
2 with an outstanding debt with an eligible lender under
3 the Iowa PLUS loan program, or has an outstanding debt
4 under the Stafford loan program, the supplemental
5 loans for students program, or the PLUS loan program."
6 13. Page 3, by striking lines 5 and 6 and in-
7 serting the following: "or licensed practical nurse
8 for loan payments made during a".
9 14. Page 3, by striking lines 9 through 12 and
10 inserting the following: "less."
11 15. Page 3, by striking lines 15 and 16 and in-
12 serting the following: "registered nurse or licensed
13 practical nurse fails to complete a year of employment
14 in practice, the".
15 16. Page 3, by striking lines 18 through 21 and
16 inserting the following: "that year.
17 The commission may sign contracts with eligible
18 students at or after the time of loan origination to
19 assure loan repayment.
20 Sec. ____ . NEW SECTION. 261.48 MINORITY TEACHER
21 LOAN PAYMENTS.
22 An individual is eligible for reimbursement
23 payments under the guaranteed loan payment program if
24 the individual meets all of the following conditions:
25 1. Is a teacher employed on a full-time basis
26 under sections 279.13 through 279.19 in a school
27 district in this state, is a teacher in an approved
28 nonpublic school in this state, or is a certified
29 teacher at the Iowa braille and sight-saving school or
30 the Iowa school for the deaf.
31 2. Is a member of a minority.
32 3. Has never defaulted on a loan guaranteed by the
33 commission.
34 4. Has an outstanding debt with an eligible lender
35 under the Iowa guaranteed student loan program or the
36 Iowa supplemental loans for students program, has
37 parents with an outstanding debt with an eligible
38 lender under the Iowa PLUS loan program, or has an

39 outstanding debt under the Stafford loan program, the
40 supplemental loans for students program, or the PLUS
41 loan program.

42 5. Graduated from college after January 1, 1989.

43 The maximum annual reimbursement payment to an
44 eligible teacher under this section for loan

45 repayments made during a school year is one thousand
46 dollars or the remainder of the teacher's loan,

47 whichever is less. Total payments under this section

48 for an eligible teacher are limited to a six-year

49 period and shall not exceed six thousand dollars. If

50 a teacher fails to complete a year of employment on a

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1 full-time basis as provided in subsection 1, the
2 teacher shall not be reimbursed for loan payments made
3 during that school year. If the number of eligible
4 applicants exceeds the funding available, the
5 commission may accept applicants based on academic
6 scholarship.

7 The commission may sign contracts with eligible
8 students at or after the time of loan origination to
9 assure loan repayment.

10 A teacher receiving a reimbursement payment under
11 this section is not eligible for a reimbursement
12 payment under section 261.45.

13 Sec. — . NEW SECTION. 261.49 NATIONAL GUARD
14 LOAN PAYMENTS.

15 A member of the national guard is eligible for
16 reimbursement payments under the guaranteed loan
17 payment program if the individual meets all of the
18 following conditions:

19 1. Is a member of the national guard who has
20 completed basic military training, or is participating
21 in the reserve officer training corps simultaneous-
22 membership program as an advanced cadet.

23 2. Has never defaulted on a loan guaranteed by the
24 commission.

25 3. Is an Iowa resident whose membership in the
26 Iowa national guard is in good standing.

27 4. Has an outstanding debt with an eligible lender
28 under the Iowa guaranteed student loan program or the
29 Iowa supplemental loans for students program, has
30 parents with an outstanding debt with an eligible
31 lender under the Iowa PLUS loan program, or has an
32 outstanding debt under the Stafford loan program, the
33 supplemental loans for students program, or the PLUS
34 loan program.

35 The maximum annual reimbursement to an eligible

36 national guard member during a year for loans
37 qualifying under subsection 4 is two thousand dollars
38 or the remainder of the member's loan, whichever is
39 less. Total payments for an eligible national guard
40 member are limited to a five-year period and shall not
41 exceed a total of ten thousand dollars.
42 If a national guard member becomes separated from
43 the national guard, the member shall not be reimbursed
44 for payments made during the year that the member is
45 separated from the national guard.
46 The commission may sign contracts with eligible
47 students at or after the time of loan origination to
48 assure loan repayment.
49 Sec. ____ . NEW SECTION. 261.50 PHYSICIAN LOAN
50 PAYMENTS.

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1 A physician is eligible for reimbursement payments
2 under the guaranteed loan payment program if the
3 physician meets all of the following conditions:
4 1. Is licensed to practice medicine under chapter
5 148 or 150A.
6 2. Has never defaulted on a loan guaranteed by the
7 commission.
8 3. Agrees to practice in an eligible community of
9 fewer than five thousand population for a minimum
10 period of four consecutive years.
11 4. Has an outstanding debt with an eligible lender
12 under the Iowa guaranteed student loan program or the
13 Iowa supplemental loans for students program, has
14 parents with an outstanding debt with an eligible
15 lender under the Iowa PLUS loan program, or has an
16 outstanding debt under the Stafford loan program, the
17 supplemental loans for students program, or the PLUS
18 loan program.
19 The maximum annual reimbursement payment to an
20 eligible physician during a year for loans qualifying
21 under subsection 4 is five thousand dollars or the
22 remainder of the loan, whichever is less. Total
23 payments for an eligible physician are limited to a
24 four-year period and shall not exceed a total of
25 twenty thousand dollars.
26 If a physician fails to practice in an eligible
27 community for a year or portion of a year during the
28 four-year period, the individual shall not be
29 reimbursed for payments made during that year.
30 The commission may sign contracts with eligible
31 students at or after the time of loan origination to
32 assure loan repayment.

33 Sec. ____ . Section 261.81, Code 1989, is amended to
34 read as follows:

35 261.81 WORK-STUDY PROGRAM.

36 The Iowa college work-study program is established
37 to stimulate and promote the part-time employment of
38 students attending Iowa postsecondary educational
39 institutions, and the part-time or full-time summer
40 employment of students registered for classes at Iowa
41 postsecondary institutions during the succeeding
42 school year, who are in need of employment earnings in
43 order to pursue postsecondary education. The program
44 shall be administered by the commission. The
45 commission shall adopt rules under chapter 17A to
46 carry out the program. The employment under the
47 program shall be employment by the postsecondary
48 education institution itself or work in a public
49 agency or private nonprofit organization under a
50 contract between the institution and the agency or

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1 organization. An eligible postsecondary institution
2 that is allocated twenty thousand dollars or more for
3 the work-study program by the commission shall
4 allocate at least ten percent of the funds received
5 for student employment in a public agency or private
6 nonprofit organization that is accredited, approved,
7 licensed, registered, certified, or operated by the
8 department of human services, the department of
9 natural resources, the department of agriculture and
10 land stewardship, or the department of corrections, or
11 is part of the Iowa heritage corps, if an Iowa
12 heritage corps is created by the general assembly.
13 ~~However, if by October 1, for the first semester of an~~
14 ~~academic year, or by March 1, for the second semester~~
15 ~~of an academic year, contracts have not been signed,~~
16 ~~the funds may be used for employment by the~~
17 ~~postsecondary institution itself.~~ The work shall not
18 result in the displacement of employed workers or
19 impair or affect existing contracts for services.

20 Sec. ____ . Section 261.84, subsection 3, Code 1989,
21 is amended to read as follows:

22 3. Demonstrate financial need. A student's need
23 shall be determined on the basis of a need analysis
24 system approved for use by the commission or under the
25 federal work-study program.

26 Sec. ____ . NEW SECTION 261.86 LEGISLATIVE INTENT.

27 It is the intent of the general assembly to renew
28 the ethic of civic obligation and spread the
29 responsibilities of citizenship more equitably by

30 expanding opportunities to Iowa's young people to
 31 pursue educational, vocational, and professional
 32 objectives after secondary school and by mobilizing
 33 the same young people to deal with pressing social
 34 problems in the state including health, education,
 35 literacy, child care, hunger, adequate housing,
 36 homelessness, and conservation of natural resources.
 37 Sec. ____ . NEW SECTION. 261.87 DEFINITIONS.
 38 1. "Academic semester" means an academic semester
 39 as defined in rules adopted by the college aid
 40 commission.
 41 2. "Accredited private institution" means an
 42 institution of higher education as defined in section
 43 261.9, subsection 5.
 44 3. "Commission" means the college aid commission.
 45 4. "Cost of attendance" means the cost of tuition,
 46 room, and board at a public higher education
 47 institution attended by a volunteer or, in the case of
 48 attendance at an accredited private institution, the
 49 highest cost for tuition, room, and board for
 50 attendance at a regents' university.

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1 5. "Department" means the department of human
 2 services.
 3 6. "Eligible higher education institution" means
 4 an accredited private institution, merged area school,
 5 or regents' university.
 6 7. "Merged area school" means an area school as
 7 defined under section 280A.2, subsection 10.
 8 8. "Regents' university" means an institution
 9 governed by the state board of regents, as defined
 10 under section 262.7, subsections 1, 2, and 3.
 11 9. "Volunteer" means a person who meets the
 12 eligibility requirements established by the commission
 13 and who has been accepted for participation in the
 14 Iowa work for college program.
 15 10. "Voucher" means a service and education
 16 opportunity voucher issued by the commission.
 17 Sec. ____ . NEW SECTION. 261.88 IOWA WORK FOR
 18 COLLEGE PROGRAM.
 19 An Iowa work for college program is established to
 20 be administered jointly by the college aid commission
 21 and the department of human services. The program
 22 shall be administered under the following conditions:
 23 1. The commission, with the assistance of the
 24 department, shall contract with public or nonprofit
 25 entities to provide work opportunities for eligible
 26 volunteers. The commission, the department, and the

27 public or nonprofit entities may be allotted up to two
28 percent of the funds appropriated for administrative
29 purposes and expenses of the program. The commission
30 shall adopt rules and forms, as needed, for the
31 administration of the program.

32 2. The commission shall establish guidelines and
33 procedures for application and acceptance to the
34 program. Guidelines established shall be based on a
35 person's financial need, the person's inability to
36 attend college without acceptance into the program, or
37 the likelihood that the person would incur heavy debt
38 repayment obligations if the person attended college,
39 given the person's anticipated financial assistance
40 alternatives.

41 3. Program volunteers shall receive stipends
42 equivalent to seven hundred dollars per month for each
43 month of work completed under the program. The state
44 shall contribute five hundred dollars per month and
45 the employer shall either contribute two hundred
46 dollars per month to the volunteer's stipend or
47 provide the volunteer with room and board. The
48 employer shall also contribute one hundred dollars per
49 month to the education trust fund created pursuant to
50 section 261.90. The volunteer may elect to defer

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1 receipt of the employer's stipend contribution and
2 receive a single lump sum stipend amount upon
3 completion of the period of service under the program.

4 4. Upon completion of the service, the volunteer
5 shall receive vouchers entitling the volunteer to
6 educational benefits. Each voucher shall have a value
7 equal to the cost of the volunteer's attendance for
8 one academic semester at an eligible higher education
9 institution. The volunteer participant shall receive
10 four vouchers for each year of service completed. The
11 vouchers may be redeemed at an eligible higher
12 education institution. Only one voucher may be
13 redeemed per semester of attendance by a program
14 participant. Vouchers must be redeemed within ten
15 years of the date of issuance and are not
16 transferable.

17 5. Volunteers may be assigned work for any public
18 or nonprofit entity for a period of either one or two
19 years. The volunteers shall agree to make a full-time
20 commitment to a work assignment as approved by the
21 commission and the department. The volunteers shall
22 be available to work at least forty hours per week
23 without regard to regular working hours and at all

24 times during their periods of work, except for
 25 authorized periods of leave. The work assignments
 26 shall not be made to replace regular employees or for
 27 participation in religious or political activities.
 28 6. The public or nonprofit entity to which an
 29 individual is assigned shall supervise and direct that
 30 individual in the same manner as other employees and
 31 shall pay for all necessary work materials, supplies,
 32 and transportation costs. The state shall provide
 33 general liability and workers compensation coverage
 34 for the volunteers, under chapter 25A, as if the
 35 volunteers were state employees. The volunteers are
 36 exempt from chapter 96, under section 96.19,
 37 subsection 6, paragraph "a", subparagraph (6), subpart
 38 (e), and are exempt from chapters 19A, 97A, and 400.
 39 Sec. ____ . NEW SECTION. 261.89 ACCEPTANCE AND
 40 REDEMPTION OF VOUCHERS.
 41 Eligible higher education institutions shall accept
 42 vouchers from students enrolled in the institutions
 43 and shall remit any vouchers received to the
 44 commission. The commission shall transmit an amount
 45 to the institution which equals the cost of attendance
 46 for the current semester. If a student discontinues
 47 attendance before the end of a semester, the entire
 48 amount of the refund that the student would be
 49 eligible to receive if the student had paid the
 50 tuition, room, and board, shall be repaid to the

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1 commission and shall revert to the trust fund created
 2 under section 261.90. The commission shall issue the
 3 student a voucher equal in value to the amount of the
 4 refund received by the trust fund. The commission
 5 shall redeem the value of each voucher from the
 6 employer contributions for that student, in accordance
 7 with the proportion that the voucher is to total
 8 number of vouchers earned by the student, and from the
 9 Iowa work for college funds which are appropriated by
 10 the general assembly and deposited into the trust fund
 11 under section 261.90.
 12 Sec. ____ . NEW SECTION. 261.90 IOWA COLLEGE TRUST
 13 FUND.
 14 The Iowa college trust fund is created as a
 15 repository for deposits made by employers under the
 16 work for college program for volunteers under that
 17 program, state appropriations for the work for college
 18 program, and state appropriations and other moneys
 19 deposited into the trust fund for the education
 20 savings program. The fund is created as a separate

21 fund in the state treasury, and any moneys remaining
22 in the fund at the end of each fiscal year shall not
23 revert to the general fund, notwithstanding section
24 8.33, but shall remain in the Iowa college trust fund.
25 Interest or other income earned by the fund shall be
26 deposited in the fund. Moneys deposited by employers
27 of volunteers in the work for college program shall be
28 deposited and accounted for in the name of the
29 volunteer for whom the money is deposited. Moneys
30 deposited in the name of a person named by the trustor
31 under the education savings program shall be accounted
32 for separately from moneys deposited for the work for
33 college program. Money in the fund may be distributed
34 by the college aid commission to carry out the duties
35 of administration of the work for college program and
36 the education savings program and moneys in the fund
37 are appropriated for those purposes.”
38 18. By renumbering as necessary.

COMMITTEE ON EDUCATION
LARRY MURPHY, Chairperson

S-3597

1 Amend House File 644, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 1, by striking lines 16 through 18, and
4 inserting the following: “loan liquidity corporation.
5 The other three such members, none of whom shall”.
6 2. By striking page 1, line 27, through page 3,
7 line 16, and inserting the following:
8 Sec. ____ . Section 261.12, subsection 2, Code 1989,
9 is amended by striking the subsection and inserting in
10 lieu thereof the following:
11 2. The amount of a tuition grant to a qualified
12 part-time student enrolled in a course of study
13 including at least three semester hours but fewer than
14 twelve semester hours for the fall and spring
15 semesters, or the trimester or quarter equivalent,
16 shall be equal to the amount of a tuition grant that
17 would be paid to a full-time student times a number
18 which represents twelve semester hours, or the
19 trimester or quarter equivalent, divided by the number
20 of hours in which the part-time student is actually
21 enrolled.”
22 3. Page 4, line 4, by striking the words
23 “guaranteed student stafford loan” and inserting the
24 following: “guaranteed student loan payment”.
25 4. Page 4, lines 18 and 19, by striking the words

26 “a guaranteed student an Iowa stafford” and inserting
 27 the following: “a guaranteed student”.

28 5. Page 4, by inserting after line 23, the
 29 following:

30 “Sec. ____ . Section 261.38, subsection 2, Code
 31 1989, is amended to read as follows:

32 2. The general assembly shall appropriate moneys
 33 from the loan reserve account of the commission to the
 34 college aid commission for operating costs of the
 35 guaranteed student loan payment program. Moneys
 36 appropriated from the loan reserve account for
 37 operating costs of the guaranteed student loan payment
 38 program that are unencumbered or unobligated on June
 39 30 of a fiscal year shall revert to the loan reserve
 40 account of the commission.

41 Sec. ____ . Section 261.42, Code 1989, is amended to
 42 read as follows:

43 261.42 SHORT TITLE.

44 This division shall be known and may be cited as
 45 the “Iowa Guaranteed ~~Student Loan Payment~~ Program”.

46 6. Page 4, line 27, by striking the words “IOWA
 47 STAFFORD” and inserting the following: “GUARANTEED”.

48 7. Page 4, line 29, by striking the words “Iowa
 49 stafford” and inserting the following: “guaranteed”.

50 8. Page 4, line 34, by inserting after the word

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1 “program.” the following: “Moneys appropriated for
 2 the program shall be used to repay loans to students
 3 demonstrating the greatest financial need and shall
 4 not be prorated among all qualified applicants. If
 5 moneys appropriated are insufficient to repay loans to
 6 all qualified applicants, priority shall be given to
 7 repayment of debts under the Iowa guaranteed student
 8 loan program.”

9 9. By striking page 4, line 35, through page 5,
 10 line 8, and inserting the following:

11 “Sec. ____ . Section 261.45, Code 1989, is amended
 12 to read as follows:

13 261.45 GUARANTEED TEACHER LOAN PAYMENT PROGRAM
 14 PAYMENTS.

15 There is established a guaranteed student loan
 16 payment program to be administered by the commission.

17 An individual ~~who meets all of the following~~
 18 ~~conditions~~ is eligible for reimbursement payments
 19 under the guaranteed loan payment program if the
 20 individual meets all of the following conditions:

21 1. Is a teacher employed on a full-time basis
 22 under sections 279.13 through 279.19 in a school

23 district in this state, is a teacher in an approved
 24 nonpublic school in this state, or is a certified
 25 teacher at the Iowa braille and sight-saving school or
 26 the Iowa school for the deaf.

27 2. ~~Has As of the beginning of a school year, has~~
 28 ~~an outstanding debt with an eligible lender under the~~
 29 ~~Iowa guaranteed student loan program as of the~~
 30 ~~beginning of a school year or the Iowa supplemental~~
 31 ~~loans for students program, has parents with an~~
 32 ~~outstanding debt with an eligible lender under the~~
 33 ~~Iowa PLUS loan program, or has an outstanding debt~~
 34 ~~under the Stafford loan program, the supplemental~~
 35 ~~loans for students program, or the PLUS loan program.~~

36 3. Has never defaulted on a loan guaranteed by the
 37 commission or by the federal government.

38 4. Teaches one or more of the following during
 39 that school year:

40 a. A sequential mathematics course at the advanced
 41 algebra level or higher.

42 b. A chemistry, advanced chemistry, physics, or
 43 advanced physics course.

44 5. Graduated from college after January 1, 1983,
 45 with a major in mathematics or science.

46 ~~The commission shall adopt rules under chapter 17A~~
 47 ~~to provide for the administration of this program.~~

48 ~~There is appropriated from the general fund of the~~
 49 ~~state to the Iowa college aid commission, the sum of~~
 50 ~~eighty-five thousand dollars, or as much thereof as is~~

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1 necessary, for the fiscal year beginning July 1, 1987
 2 and each succeeding fiscal year, to make the
 3 reimbursement payments required under this section.

4 ~~Maximum~~ The maximum annual reimbursement payments
 5 payment to an eligible teacher for loan repayments
 6 made during a school year ~~shall be equal to is~~ one
 7 thousand dollars or the remainder of a the teacher's
 8 loan, whichever is less. Total payments for an
 9 eligible teacher shall not exceed six thousand
 10 dollars. If a teacher fails to complete a year of
 11 instruction in a course listed in subsection 4, the
 12 teacher shall not be reimbursed for loan repayments
 13 made during that school year.

14 The commission may sign contracts with eligible
 15 students at or after the time of loan origination to
 16 assure loan repayment."

17 10. Page 5, line 15, by striking the words "Iowa
 18 stafford" and inserting the following: "guaranteed".

- 19 11. Page 5, line 16, by striking the word
 20 "individual" and inserting the following: "individual
 21 therapist".
- 22 12. Page 5, by striking lines 24 through 28 and
 23 inserting the following:
 24 "4. Has For the third and fourth years of an
 25 occupational therapist program, has an outstanding
 26 debt with an eligible lender under the Iowa guaranteed
 27 student loan program; or the Iowa supplemental loans
 28 for students program, or has parents with an
 29 outstanding debt with an eligible lender under the
 30 Iowa PLUS loan program, for the third and fourth years
 31 of an occupational therapist program or has an
 32 outstanding debt under the Stafford loan program, the
 33 supplemental loans for students program, or the PLUS
 34 loan program."
- 35 13. Page 5, line 31, by inserting after the word
 36 "reimbursement" the following: "payment".
- 37 14. Page 5, line 33, by striking the words "shall
 38 be equal to" and inserting the following: "shall be
 39 equal to is".
- 40 15. Page 5, line 34, by striking the word "a" and
 41 inserting the following: "a the therapist's".
- 42 16. Page 6, line 3, by striking the word
 43 "individual" and inserting the following: "individual
 44 therapist".
- 45 17. Page 6, by inserting after line 4 the
 46 following:
 47 "The commission may sign contracts with eligible
 48 students at or after the time of loan origination to
 49 assure loan repayment.
- 50 Sec. ____ . NEW SECTION. 261.47 NURSING LOAN

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- 1 PAYMENTS.
- 2 An individual is eligible for reimbursement
 3 payments under the guaranteed loan payment program if
 4 the individual meets all of the following conditions:
- 5 1. Is a registered nurse or a licensed practical
 6 nurse employed on a full-time basis in practice as a
 7 registered nurse or licensed practical nurse in this
 8 state.
- 9 2. As of the beginning of the state fiscal year,
 10 has an outstanding debt with an eligible lender under
 11 the Iowa guaranteed student loan program or the Iowa
 12 supplemental loans for students program, has parents
 13 with an outstanding debt with an eligible lender under
 14 the Iowa PLUS loan program, or has an outstanding debt
 15 under the Stafford loan program, the supplemental

16 loans for students program, or the PLUS loan program.

17 3. Has never defaulted on a loan guaranteed by the
18 commission or the federal government.

19 4. Has graduated from an approved registered nurse
20 or licensed practical nurse program on or after July
21 1, 1989.

22 The maximum annual reimbursement payment to an
23 eligible registered nurse or licensed practical nurse
24 for loan payments made during a year for loans
25 qualifying under subsection 2 is one thousand dollars
26 or the remainder of the individual's loan, whichever
27 is less.

28 Total payments under this section are limited to a
29 six-year period and shall not exceed six thousand
30 dollars. If a registered nurse or licensed practical
31 nurse fails to complete a year of employment in
32 practice, the individual shall not be reimbursed for
33 payments made during that year.

34 The commission may sign contracts with eligible
35 students at or after the time of loan origination to
36 assure loan repayment.

37 Sec. ____ . NEW SECTION. 261.48 MINORITY TEACHER
38 LOAN PAYMENTS.

39 An individual is eligible for reimbursement
40 payments under the guaranteed loan payment program if
41 the individual meets all of the following conditions:

42 1. Is a teacher employed on a full-time basis
43 under sections 279.13 through 279.19 in a school
44 district in this state, is a teacher in an approved
45 nonpublic school in this state, or is a certified
46 teacher at the Iowa braille and sight-saving school or
47 the Iowa school for the deaf.

48 2. Is a member of a minority.

49 3. Has never defaulted on a loan guaranteed by the
50 commission.

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1 4. Has an outstanding debt with an eligible lender
2 under the Iowa guaranteed student loan program or the
3 Iowa supplemental loans for students program, has
4 parents with an outstanding debt with an eligible
5 lender under the Iowa PLUS loan program, or has an
6 outstanding debt under the Stafford loan program, the
7 supplemental loans for students program, or the PLUS
8 loan program.

9 5. Graduated from college after January 1, 1989.

10 The maximum annual reimbursement payment to an
11 eligible teacher under this section for loan
12 repayments made during a school year is one thousand

13 dollars or the remainder of the teacher's loan,
 14 whichever is less. Total payments under this section
 15 for an eligible teacher are limited to a six-year
 16 period and shall not exceed six thousand dollars. If
 17 a teacher fails to complete a year of employment on a
 18 full-time basis as provided in subsection 1, the
 19 teacher shall not be reimbursed for loan payments made
 20 during that school year. If the number of eligible
 21 applicants exceeds the funding available, the
 22 commission may accept applicants based on academic
 23 scholarship.

24 The commission may sign contracts with eligible
 25 students at or after the time of loan origination to
 26 assure loan repayment.

27 A teacher receiving a reimbursement payment under
 28 this section is not eligible for a reimbursement
 29 payment under section 261.45.

30 Sec. ____ . NEW SECTION. 261.49 NATIONAL GUARD
 31 LOAN PAYMENTS.

32 A member of the national guard is eligible for
 33 reimbursement payments under the guaranteed loan
 34 payment program if the individual meets all of the
 35 following conditions:

36 1. Is a member of the national guard who has
 37 completed basic military training, or is participating
 38 in the reserve officer training corps simultaneous-
 39 membership program as an advanced cadet.

40 2. Has never defaulted on a loan guaranteed by the
 41 commission.

42 3. Is an Iowa resident whose membership in the
 43 Iowa national guard is in good standing.

44 4. Has an outstanding debt with an eligible lender
 45 under the Iowa guaranteed student loan program or the
 46 Iowa supplemental loans for students program, has
 47 parents with an outstanding debt with an eligible
 48 lender under the Iowa PLUS loan program, or has an
 49 outstanding debt under the Stafford loan program, the
 50 supplemental loans for students program, or the PLUS

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1 loan program.

2 The maximum annual reimbursement to an eligible
 3 national guard member during a year for loans
 4 qualifying under subsection 4 is two thousand dollars
 5 or the remainder of the member's loan, whichever is
 6 less. Total payments for an eligible national guard
 7 member are limited to a five-year period and shall not
 8 exceed a total of ten thousand dollars.

9 If a national guard member becomes separated from
 10 the national guard, the member shall not be reimbursed
 11 for payments made during the year that the member is
 12 separated from the national guard.

13 The commission may sign contracts with eligible
 14 students at or after the time of loan origination to
 15 assure loan repayment.
 16 Sec. ____ . NEW SECTION. 261.50 PHYSICIAN LOAN
 17 PAYMENTS.
 18 A physician is eligible for reimbursement payments
 19 under the guaranteed loan payment program if the
 20 physician meets all of the following conditions:
 21 1. Is licensed to practice medicine under chapter
 22 148 or 150A.
 23 2. Has never defaulted on a loan guaranteed by the
 24 commission.
 25 3. Agrees to practice in an eligible community of
 26 fewer than five thousand population for a minimum
 27 period of four consecutive years.
 28 4. Has an outstanding debt with an eligible lender
 29 under the Iowa guaranteed student loan program or the
 30 Iowa supplemental loans for students program, has
 31 parents with an outstanding debt with an eligible
 32 lender under the Iowa PLUS loan program, or has an
 33 outstanding debt under the Stafford loan program, the
 34 supplemental loans for students program, or the PLUS
 35 loan program.
 36 The maximum annual reimbursement payment to an
 37 eligible physician during a year for loans qualifying
 38 under subsection 4 is five thousand dollars or the
 39 remainder of the loan, whichever is less. Total
 40 payments for an eligible physician are limited to a
 41 four-year period and shall not exceed a total of
 42 twenty thousand dollars.
 43 If a physician fails to practice in an eligible
 44 community for a year or portion of a year during the
 45 four-year period, the individual shall not be
 46 reimbursed for payments made during that year.
 47 The commission may sign contracts with eligible
 48 students at or after the time of loan origination to
 49 assure loan repayment.”
 50 18. Page 6, by striking line 16 and inserting the

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1 following: “the guaranteed ~~student~~ loan payment
 2 program.”
 3 19. Page 6, line 22, by inserting after the word
 4 “institutions” the following: “, and the part-time or
 5 full-time summer employment of students registered for
 6 classes at Iowa postsecondary institutions during the
 7 succeeding school year.”
 8 20. Page 6, line 25, by striking the word “~~under~~”
 9 and inserting the following: “under”.

10 21. Page 6, by striking line 26 and inserting the
11 following: "chapter 17A to carry out the program."

12 22. Page 7, line 4, by inserting after the word
13 "corrections" the following: "or is part of the
14 Iowa heritage corps, if an Iowa heritage corps is
15 created by the general assembly".

16 23. Page 7, line 9, by inserting after the word
17 "impair" the following: "or affect".

18 24. Page 7, by inserting after line 9 the fol-
19 lowing:

20 "Sec. ____ . Section 261.84, subsection 3, Code
21 1989, is amended to read as follows:

22 3. Demonstrate financial need. A student's need
23 shall be determined on the basis of a need analysis
24 system approved for use by the commission or under the
25 federal work-study program.

26 Sec. ____ . **NEW SECTION 261.86 LEGISLATIVE INTENT.**

27 It is the intent of the general assembly to renew
28 the ethic of civic obligation and spread the
29 responsibilities of citizenship more equitably by
30 expanding opportunities to Iowa's young people to
31 pursue educational, vocational, and professional
32 objectives after secondary school and by mobilizing
33 the same young people to deal with pressing social
34 problems in the state including health, education,
35 literacy, child care, hunger, adequate housing,
36 homelessness, and conservation of natural resources.

37 Sec. ____ . **NEW SECTION. 261.87 DEFINITIONS.**

38 1. "Academic semester" means an academic semester
39 as defined in rules adopted by the college aid
40 commission.

41 2. "Accredited private institution" means an
42 institution of higher education as defined in section
43 261.9, subsection 5.

44 3. "Commission" means the college aid commission.

45 4. "Cost of attendance" means the cost of tuition,
46 room, and board at a public higher education
47 institution attended by a volunteer or, in the case of
48 attendance at an accredited private institution, the
49 highest cost for tuition, room, and board for
50 attendance at a regents' university.

Page 8

1 5. "Department" means the department of human
2 services.

3 6. "Eligible higher education institution" means
4 an accredited private institution, merged area school,
5 or regents' university.

6 7. "Merged area school" means an area school as

7 defined under section 280A.2, subsection 10.

8 8. "Regents' university" means an institution
9 governed by the state board of regents, as defined
10 under section 262.7, subsections 1, 2, and 3.

11 9. "Volunteer" means a person who meets the
12 eligibility requirements established by the commission
13 and who has been accepted for participation in the
14 Iowa work for college program.

15 10. "Voucher" means a service and education
16 opportunity voucher issued by the commission.

17 Sec. ____ . NEW SECTION. 261.88 IOWA WORK FOR
18 COLLEGE PROGRAM.

19 An Iowa work for college program is established to
20 be administered jointly by the college aid commission
21 and the department of human services. The program
22 shall be administered under the following conditions:

23 1. The commission, with the assistance of the
24 department, shall contract with public or nonprofit
25 entities to provide work opportunities for eligible
26 volunteers. The commission, the department, and the
27 public or nonprofit entities may be allotted up to two
28 percent of the funds appropriated for administrative
29 purposes and expenses of the program. The commission
30 shall adopt rules and forms, as needed, for the
31 administration of the program.

32 2. The commission shall establish guidelines and
33 procedures for application and acceptance to the
34 program. Guidelines established shall be based on a
35 person's financial need, the person's inability to
36 attend college without acceptance into the program, or
37 the likelihood that the person would incur heavy debt
38 repayment obligations if the person attended college,
39 given the person's anticipated financial assistance
40 alternatives.

41 3. Program volunteers shall receive stipends
42 equivalent to seven hundred dollars per month for each
43 month of work completed under the program. The state
44 shall contribute five hundred dollars per month and
45 the employer shall either contribute two hundred
46 dollars per month to the volunteer's stipend or
47 provide the volunteer with room and board. The
48 employer shall also contribute one hundred dollars per
49 month to the education trust fund created pursuant to
50 section 261.90. The volunteer may elect to defer

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- 1 receipt of the employer's stipend contribution and
- 2 receive a single lump sum stipend amount upon
- 3 completion of the period of service under the program.

4 4. Upon completion of the service, the volunteer
5 shall receive vouchers entitling the volunteer to
6 educational benefits. Each voucher shall have a value
7 equal to the cost of the volunteer's attendance for
8 one academic semester at an eligible higher education
9 institution. The volunteer participant shall receive
10 four vouchers for each year of service completed. The
11 vouchers may be redeemed at an eligible higher
12 education institution. Only one voucher may be
13 redeemed per semester of attendance by a program
14 participant. Vouchers must be redeemed within ten
15 years of the date of issuance and are not
16 transferable.

17 5. Volunteers may be assigned work for any public
18 or nonprofit entity for a period of either one or two
19 years. The volunteers shall agree to make a full-time
20 commitment to a work assignment as approved by the
21 commission and the department. The volunteers shall
22 be available to work at least forty hours per week
23 without regard to regular working hours and at all
24 times during their periods of work, except for
25 authorized periods of leave. The work assignments
26 shall not be made to replace regular employees or for
27 participation in religious or political activities.

28 6. The public or nonprofit entity to which an
29 individual is assigned shall supervise and direct that
30 individual in the same manner as other employees and
31 shall pay for all necessary work materials, supplies,
32 and transportation costs. The state shall provide
33 general liability and workers compensation coverage
34 for the volunteers, under chapter 25A, as if the
35 volunteers were state employees. The volunteers are
36 exempt from chapter 96, under section 96.19,
37 subsection 6, paragraph "a", subparagraph (6), subpart
38 (e), and are exempt from chapters 19A, 97A, and 400.

39 Sec. ____ . NEW SECTION. 261.89 ACCEPTANCE AND
40 REDEMPTION OF VOUCHERS.

41 Eligible higher education institutions shall accept
42 vouchers from students enrolled in the institutions
43 and shall remit any vouchers received to the
44 commission. The commission shall transmit an amount
45 to the institution which equals the cost of attendance
46 for the current semester. If a student discontinues
47 attendance before the end of a semester, the entire
48 amount of the refund that the student would be
49 eligible to receive if the student had paid the
50 tuition, room, and board, shall be repaid to the

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1 commission and shall revert to the trust fund created
2 under section 261.90. The commission shall issue the
3 student a voucher equal in value to the amount of the
4 refund received by the trust fund. The commission
5 shall redeem the value of each voucher from the
6 employer contributions for that student, in accordance
7 with the proportion that the voucher is to total
8 number of vouchers earned by the student, and from the
9 Iowa work for college funds which are appropriated by
10 the general assembly and deposited into the trust fund
11 under section 261.90.

12 Sec. ____ . NEW SECTION. 261.90 IOWA COLLEGE TRUST
13 FUND.

14 The Iowa college trust fund is created as a
15 repository for deposits made by employers under the
16 work for college program for volunteers under that
17 program, state appropriations for the work for college
18 program, and state appropriations and other moneys
19 deposited into the trust fund for the education
20 savings program. The fund is created as a separate
21 fund in the state treasury, and any moneys remaining
22 in the fund at the end of each fiscal year shall not
23 revert to the general fund, notwithstanding section
24 8.33, but shall remain in the Iowa college trust fund.
25 Interest or other income earned by the fund shall be
26 deposited in the fund. Moneys deposited by employers
27 of volunteers in the work for college program shall be
28 deposited and accounted for in the name of the
29 volunteer for whom the money is deposited. Moneys
30 deposited in the name of a person named by the trustor
31 under the education savings program shall be accounted
32 for separately from moneys deposited for the work for
33 college program. Money in the fund may be distributed
34 by the college aid commission to carry out the duties
35 of administration of the work for college program and
36 the education savings program and moneys in the fund
37 are appropriated for those purposes.”

38 25. Page 7, by striking lines 10 through 24.

39 26. Page 7, line 27, by striking the word
40 “guaranteed”.

41 27. Page 7, line 28, by striking the word
42 “stafford”.

43 28. By renumbering as necessary.

S-3598

- 1 Amend House File 736 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 1, line 6, by inserting after the word
4 "integrity" the following: "if it is used as the sole
5 basis upon which the evaluation is made".

JULIA GENTLEMAN

S-3599

- 1 Amend House File 49 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, by inserting after line 26 the
4 following:
5 "Sec. ____ . This Act takes effect July 1, 1990."
6 2. Title, line 2, by inserting after the word
7 "employees" the following: ", and providing an
8 effective date".

EUGENE FRAISE

S-3600

- 1 Amend Senate File 468 as follows:
2 1. Page 1, line 35, by striking the words
3 "suspension of the" and inserting the following:
4 "recommencement of the promotional order, or
5 termination of the promotional order's suspension".
6 2. Page 2, line 1, by striking the word "board".
7 3. Page 3, line 21, by striking the word
8 "percent" and inserting the following: "cent".
9 4. Page 4, lines 26 and 27, by striking the words
10 "events as provided under section 185C.25:" and
11 inserting the following: "events:".
12 5. Page 6, line 13, by inserting after the word
13 "referendum" the following: "to restore the
14 assessment".
15 6. Page 6, line 15, by inserting before the word
16 "referendum" the following: "succeeding".
17 7. Page 6, line 16, by striking the word
18 "referendum" and inserting the following: "election
19 as provided for a referendum under this chapter".
20 8. Page 6, line 18, by striking the word
21 "section" and inserting the following: "subsection".
22 9. Page 6, line 25, by striking the words "seek

23 to continue collecting” and inserting the following:

24 “approve the continued collection of”.

25 10. Page 6, line 32, by striking the words

26 “become effective” and inserting the following:

27 “recommence”.

28 11. Page 7, lines 3 and 4, by striking the words

29 “a state assessment account in”.

30 12. Page 7, line 19, by striking the word

31 “STATE”.

32 13. Page 8, line 1, by striking the figure

33 “185C.27” and inserting the following: “185C.26”.

34 14. Page 9, by inserting after line 6, the

35 following:

36 “Sec. 20. Section 185C.33, Code 1989, is amended

37 to read as follows:

38 185C.33 ANNUAL REPORT.

39 The board shall make an annual report, containing a

40 financial statement, to the secretary and the

41 chairpersons of the committees on agriculture of the

42 senate and house of representatives, on or before

43 December 1 of each year, showing all income and

44 expenses, including board expenses, and other relevant

45 information concerning assessments collected and

46 expended under the provisions of this chapter.”

KENNETH SCOTT

S-3601

1 Amend House File 20 as amended, passed, and

2 reprinted by the House as follows:

3 1. Page 2, line 31, by striking the words “there

4 is at issue”.

5 2. Page 2, line 32, by inserting after the word

6 “child” the following: “is contested”.

7 3. Page 5, line 16, by inserting after the word

8 “parties” the following: “unless one or both of the

9 parties are indigent”.

COMMITTEE ON JUDICIARY

DONALD V. DOYLE, Chairperson

S-3602

1 Amend House File 662 as passed by the House as

2 follows:

3 1. Page 1, line 21, by inserting after the word

4 “and” the following: “upon approval by the court”.

COMMITTEE ON JUDICIARY

DONALD V. DOYLE, Chairperson

S-3603

1 Amend House File 600, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 18, by striking the word "rod"
4 and inserting the following: "chain".

5 2. Page 1, line 21, by striking the word "rod"
6 and inserting the following: "chain".

7 3. Page 1, by inserting after line 29, the
8 following:

9 "c. A person establishing a protected area shall
10 apply to enter into a contract with the United States
11 department of agriculture under the federal
12 conservation reserve program established in 16 U.S.C.
13 ch. 58. If a person establishing a protected area is
14 not eligible under the federal conservation reserve
15 program, the person shall be reimbursed by the state,
16 in the same amount as would have been provided under
17 the federal conservation reserve program, through
18 expenditure of moneys in the agriculture management
19 account of the groundwater protection fund created
20 pursuant to section 455E.11."

21 4. Page 2, by inserting after line 35, the
22 following:

23 "Sec. ____ . Section 455E.11, subsection 2,
24 paragraph b, subparagraph (3), Code 1989, is amended
25 by adding the following new subparagraph subdivision:
26 **NEW SUBPARAGRAPH SUBDIVISION.** (e) There is
27 appropriated and the department shall allocate moneys
28 to provide payment to persons who establish protected
29 areas pursuant to section 111.35, if the person is not
30 eligible to participate in the federal conservation
31 reserve program established in 16 U.S.C. ch. 58."

32 5. By renumbering, relettering, and correcting
33 internal references as necessary.

COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES
PAT DELUHERY, Chairperson

HOUSE AMENDMENT TO
SENATE FILE 366

S-3604

1 Amend Senate File 366, as passed by the Senate, as
2 follows:

3 1. Page 1, line 6, by inserting after the word
4 "owner." the following: "However, a city shall not
5 seek reimbursement for costs incurred in performing an
6 act if the same act has not been performed by the city
7 on adjoining city-owned property."

S-3605

1 Amend House File 700, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, by inserting after line 3 the
4 following:
5 "Sec. ____ . Section 906.5, Code 1989, is amended to
6 read as follows:
7 906.5 RECORD REVIEWED -- RULES.
8 1. Within one year after the commitment of a
9 person other than a class "A" felon, class "B" felon
10 convicted of murder in the second degree and serving a
11 sentence of more than twenty-five years, or a felon
12 serving a mandatory minimum sentence, other than a
13 class "A" felon, to the custody of the director of the
14 Iowa department of corrections, unless good cause is
15 shown, a member of the board shall interview the
16 person. Thereafter, at regular intervals, not to
17 exceed one year, unless good cause is shown, the board
18 shall interview the person and consider the person's
19 prospects for parole or work release. Not less than
20 twenty days prior to conducting a hearing at which the
21 board will interview the person, the board shall
22 notify the department of corrections of the scheduling
23 of the interview, and the department shall make the
24 person available to the board at the person's
25 institutional residence as scheduled in the notice.
26 However, if health, safety, or security conditions
27 require moving the person to another institution or
28 facility prior to the scheduled interview, the
29 department of corrections shall so notify the board.
30 2. At the time of an interview required under this
31 section, the board shall consider all pertinent
32 information regarding the person, including the
33 circumstances of the person's offense, any presentence
34 report which is available, the previous social history
35 and criminal record of the person, the person's
36 conduct, work, and attitude in prison, and the reports
37 of physical and mental examinations that have been
38 made.
39 3. A person while on parole or work release is
40 under the supervision of the district department of

41 correctional services of the district designated by
42 the board of parole. The department of corrections
43 shall prescribe rules for governing persons on parole
44 or work release. The board may adopt other rules not
45 inconsistent with the rules of the department of
46 corrections as the board deems proper or necessary for
47 the performance of its functions.

48 Sec. ____ . Section 908.4, Code 1989, is amended to
49 read as follows:

50 908.4 PAROLE REVOCATION HEARING.

Page 2

1 The parole revocation hearing shall be conducted by
2 ~~a an~~ an administrative parole ~~revocation officer judge~~
3 who is an attorney appointed pursuant to section
4 904A.5. The revocation hearing shall determine the
5 following:

6 1. Whether the alleged parole violation occurred.

7 2. Whether the violator's parole should be
8 revoked.

9 The administrative parole ~~revocation officer judge~~
10 shall make a verbatim record of the proceedings. The
11 alleged violator shall be informed of the evidence
12 against the violator, shall be given an opportunity to
13 be heard, shall have the right to present witnesses
14 and other evidence, and shall have the right to cross-
15 examine adverse witnesses, except if the ~~revocation~~
16 ~~officer judge~~ finds that a witness would be subjected
17 to risk or harm if the witness' identity were
18 disclosed. The revocation hearing may be conducted
19 electronically.

20 Sec. ____ . Section 908.5, Code 1989, is amended by
21 striking the section and inserting in lieu thereof the
22 following:

23 908.5 DISPOSITION.

24 If a violation of parole is established, the
25 administrative parole judge may continue the parole
26 with or without any modification of the conditions of
27 parole. The administrative parole judge may revoke
28 the parole and require the parolee to serve the
29 sentence originally imposed, or may revoke the parole
30 and reinstate the parolee's work release status. The
31 order of the administrative parole judge shall contain
32 findings of fact, conclusions of law, and a
33 disposition of the matter.

34 Sec. ____ . Section 908.6, Code 1989, is amended to
35 read as follows:

36 908.6 APPEAL OR REVIEW.

37 The order of the administrative parole ~~revocation~~

38 ~~officer judge~~ shall become the final decision of the
39 board of parole unless, within the time provided by
40 rule, the parole violator appeals the decision or a
41 panel of the board reviews the decision on its own
42 motion. On appeal or review of the administrative
43 ~~parole revocation officer's judge's~~ decision, the
44 board panel has all the power which it would have in
45 initially making the revocation hearing decision. The
46 appeal or review shall be conducted pursuant to rules
47 adopted by the board of parole. The record on appeal
48 or review shall be the record made at the parole
49 revocation hearing conducted by the administrative
50 ~~parole revocation officer judge~~.

Page 3

1 Sec. ____ . Section 908.7, Code 1989, is amended to
2 read as follows:

3 **908.7 WAIVER OF PAROLE REVOCATION HEARING.**

4 The alleged parole violator may waive the parole
5 revocation hearing, in which event the administrative
6 ~~parole revocation officer judge~~ shall proceed to
7 determine the disposition of the matter. The
8 administrative ~~parole revocation officer judge~~ shall
9 dispose of the case as provided in section 908.4. The
10 administrative ~~parole revocation officer judge~~ shall
11 make a verbatim record of the proceedings. The waiver
12 proceeding may be conducted electronically.

13 Sec. ____ . Section 908.10, Code 1989, is amended by
14 striking the section and inserting in lieu thereof the
15 following:

16 **908.10 CONVICTION OF A FELONY WHILE ON PAROLE.**

17 When a person is convicted and sentenced to
18 incarceration in this state for a felony committed
19 while on parole, or is convicted and sentenced to
20 incarceration under the laws of any other state of the
21 United States or a foreign government or country for
22 an offense committed while on parole, and which if
23 committed in this state would be a felony, the
24 person's parole shall be deemed revoked as of the date
25 of the commission of the new felony offense.

26 The parole officer shall inform the sentencing
27 judge that the convicted defendant is a parole
28 violator. The term for which the defendant shall be
29 imprisoned as a parole violator shall be the same as
30 that provided in cases of revocation of parole for
31 violation of the conditions of parole. The new
32 sentence of imprisonment for conviction of a felony
33 shall be served consecutively with the term imposed
34 for the parole violation, unless a concurrent term of

35 imprisonment is ordered by the court.

36 The parolee shall be notified in writing that
37 parole has been revoked on the basis of the new felony
38 conviction, and a copy of the commitment order shall
39 accompany the notification. The inmate's record shall
40 be reviewed pursuant to the provisions of section
41 906.5, or as soon as practical after a final reversal
42 of the new felony conviction.

43 An inmate may appeal the revocation of parole under
44 this section according to the board of parole's rules
45 relating to parole revocation appeals. Neither the
46 administrative parole judge nor the board panel shall
47 retry the facts underlying any conviction."

48 2. Title page, by striking line 1 and inserting
49 the following: "An Act relating to criminal offenses,
50 by providing for review of an offender's record,

Page 4

1 revocation of an offender's parole,".

2 3. Title page, line 2, by striking the word

3 "for".

4 4. By renumbering as necessary.

DONALD V. DOYLE
EUGENE FRAISE
BOB CARR
MICHAEL E. GRONSTAL

S-3606

1 Amend Senate File 515 as follows:

2 1. Title page, line 1, by striking the word

3 "certain" and inserting the following: "special

4 purpose tooling".

LINN FUHRMAN

S-3607

1 Amend House File 18, as passed by the House, as
2 follows:

3 1. By striking page 1, line 21, through page 2,
4 line 9.

5 2. Page 3, by inserting after line 4 the
6 following:

7 "Sec. ____ . Section 805.8, subsection 10, Code
8 1989, is amended by striking the subsection."

9 3. Page 3, by inserting after line 25 the follow-
10 ing:
11 "Sec. ____ . Section 123.47A, Code 1989, is
12 repealed."
13 4. Renumber as necessary.

JIM LIND

S-3608

1 Amend House File 496, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, lines 26 and 27, by striking the words
4 "from a surety company authorized to do business in
5 this state".
6 2. Page 3, by inserting after line 16, the
7 following:
8 " ____ . If a bond is obtained, the bond shall be
9 executed by a surety company authorized to do business
10 in this state, and the bond shall be continuous in
11 nature until cancelled by the surety with not less
12 than thirty days' written notice to both the credit
13 services organization and to the secretary of state.
14 The notice shall indicate the surety's intent to
15 cancel the bond effective on a date at least thirty
16 days after the date of the notice."
17 3. By renumbering as necessary.

TOM MANN, Jr.

S-3609

1 Amend House File 344 as follows:
2 1. Page 1, line 8, by inserting after the word
3 "organizations" the following: ", the commission on
4 accreditation of rehabilitation facilities, the
5 American Osteopathic Association.".

JIM RIORDAN

S-3610

1 Amend House File 59, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, by striking lines 4 and 5, and
4 inserting the following: "appoint two
5 representatives, the minority leader of the house

6 shall appoint one representative, the majority leader
 7 of the senate shall appoint two senators, and the
 8 minority leader of the senate shall appoint one
 9 senator to the advisory committee.”

CALVIN O. HULTMAN

S-3611

1 Amend the amendment, S-3503, to House File 669 as
 2 passed by the House, as follows:
 3 1. Page 1, line 9, by inserting after the word “for”
 4 the following: “either”.
 5 2. Page 1, line 10, by striking the word “as”.

BEVERLY A. HANNON

S-3612

1 Amend House File 735, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 4, by inserting after line 32, the
 4 following:
 5 “Sec. ____ . Section 477B.7, subsection 1, paragraph
 6 a, subparagraph (1), Code 1989, is amended to read as
 7 follows:
 8 (1) The administrator shall notify a provider
 9 scheduled to provide exchange access line service to
 10 an E911 service area, that implementation of an
 11 approved E911 service plan has been approved by the
 12 joint E911 service board and by the service area
 13 referendum, and that collection of the surcharge is to
 14 begin within one hundred days.”
 15 2. Page 4, by inserting before line 33, the
 16 following:
 17 “Sec. ____ . Section 477B.7, subsection 1, Code
 18 1989, is amended by adding the following new
 19 paragraph:
 20 NEW PARAGRAPH. c. The surcharge shall terminate
 21 at the end of twenty-four months if the joint E911
 22 service plan has not been approved by the
 23 administrator within eighteen months of the original
 24 notice to the provider to impose the surcharge, and
 25 shall not be reimposed until a service plan is
 26 approved by the administrator and the administrator
 27 gives providers notice as required by paragraph “a”,
 28 subparagraphs (1) and (2).”
 29 3. Page 5, by inserting after line 4, the

30 following:

31 "Sec. ____ . This Act, being deemed of immediate
32 importance, is effective upon enactment."

33 4. Title page, line 3, by inserting after the
34 word "applicability" the following: ", and providing
35 a special effective date".

36 5. By renumbering as necessary.

MICHAEL E. GRONSTAL
JACK NYSTROM
BOB M. CARR

S-3613

1 Amend the amendment, S-3577, to House File 598, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking lines 18 through 24 and
5 inserting the following: "the past five years. All
6 of the laboratory analysis and data management shall
7 be conducted by the center for health effects of
8 environmental contamination. Sample collection shall
9 be conducted using a standard sampling protocol by
10 personnel within the department and the center for
11 health effects of environmental contamination in
12 conjunction with other ongoing field activities.
13 Samples from private wells and samples from privately
14 owned public water supplies shall be allowed to
15 undergo the same analysis. The cost for the analysis
16 provided for samples from private wells and privately
17 owned public water supplies shall not exceed one
18 hundred ninety-five dollars for the first year of
19 testing. The department shall submit a report to
20 the".

AL STURGEON

S-3614

1 Amend House File 663 as follows:

2 1. Page 1, by inserting after line 9 the
3 following:

4 "Sec. ____ . Section 805.8, subsection 2, paragraph
5 h, Code 1989, is amended to read as follows:

6 h. For operating, passing, turning and standing
7 violations under sections 321.236, subsections 3, 4, 9
8 and 12, 321.275, subsections 1 through 8, 321.295,
9 321.297, 321.299, 321.303, 321.304, subsections 1 and

10 2, 321.305, 321.306, 321.311, 321.312, 321.314,
 11 321.315, 321.316, 321.318, 321.323, 321.340, 321.344,
 12 321.353, 321.354, 321.363, 321.365, 321.366, 321.368,
 13 321.382 and 321.395, the scheduled fine is fifteen
 14 dollars.
 15 Sec. ____ . Section 805.8, subsection 2, Code 1989,
 16 is amended by adding the following new paragraph:
 17 NEW PARAGRAPH. u. For failure of having a bicycle
 18 safety flag on a motorized bicycle in violation of
 19 section 321.275, subsection 9, the scheduled fine is
 20 five dollars.”
 21 2. Title page, line 2, by striking the words
 22 “making a penalty applicable” and inserting the
 23 following: “providing a penalty”.

JOHN JENSEN
 DONALD V. DOYLE

S-3615

1 Amend the amendment, S-3581, to Senate File 373 as
 2 follows:
 3 1. Page 2, line 46, by striking the words “capitali-
 4 zation, earnings, debts, and”.

CALVIN O. HULTMAN

S-3616

1 Amend House File 735, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 4, by inserting after line 32, the
 4 following:
 5 “Sec. ____ . Section 477B.7, subsection 1, paragraph
 6 a, subparagraph (1), Code 1989, is amended to read as
 7 follows:
 8 (1) The administrator shall notify a provider
 9 scheduled to provide exchange access line service to
 10 an E911 service area, that implementation of an
 11 ~~approved~~ E911 service plan has been approved by the
 12 joint 911 service board and by the service area
 13 referendum, and that collection of the surcharge is to
 14 begin within one hundred days.”
 15 2. Page 4, by inserting before line 33, the
 16 following:
 17 “Sec. ____ . Section 477B.7, subsection 1, Code
 18 1989, is amended by adding the following new
 19 paragraph:

20 NEW PARAGRAPH. c. The surcharge shall terminate
 21 at the end of twenty-four months if the joint E911
 22 service plan has not been approved by the
 23 administrator within eighteen months of the original
 24 notice to the provider to impose the surcharge, and
 25 shall not be reimposed until a service plan is
 26 approved by the administrator and the administrator
 27 gives providers notice as required by paragraph "a",
 28 subparagraphs (1) and (2)."
 29 3. Page 5, by inserting after line 4, the
 30 following:
 31 "Sec. ____ . This Act, being deemed of immediate
 32 importance, is effective upon enactment."
 33 4. Title page, line 3, by inserting after the
 34 word "applicability" the following: ", and providing
 35 a special effective date".
 36 5. By renumbering as necessary.

MICHAEL E. GRONSTAL
 JACK NYSTROM
 BOB M. CARR

S-3617

1 Amend amendment S-3581 to Senate File 373 as
 2 follows:
 3 1. Page 2, line 31, by inserting after the word
 4 "service." the following: "It also does not include
 5 street lighting, area lighting, or the construction,
 6 maintenance, or repair of transmission or distribution
 7 facilities."

DON E. GETTINGS
 H. KAY HEDGE
 EUGENE FRAISE

S-3618

1 Amend House File 163 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 18, line 16, by striking the word
 4 "provisions" and inserting the following: "portions".
 5 2. Page 18, line 17, by striking the words "a
 6 resolution or" and inserting the following: "a
 7 ~~resolution or an~~".
 8 3. Page 18, lines 19 and 20, by striking the
 9 words "a resolution or" and inserting the following:
 10 "a ~~resolution or an~~".

- 11 4. Page 18, line 21, by striking the words “a
12 resolution or” and inserting the following: “a
13 ~~resolution or an~~”.
- 14 5. Page 18, line 23, by striking the words
15 “resolution or” and inserting the following:
16 “~~resolution or~~”.
- 17 6. Page 18, by striking line 25, and inserting
18 the following: “affected by the ~~resolution or~~
19 ordinance. The ~~resolution or~~”.
- 20 7. Page 18, line 28, by striking the words
21 “resolution or” and inserting the following:
22 “~~resolution or~~”.
- 23 8. Page 18, line 30, by striking the words
24 “resolution or” and inserting the following:
25 “~~resolution or~~”.
- 26 9. Page 18, line 35, by striking the words
27 “resolution or” and inserting the following:
28 “~~resolution or~~”.
- 29 10. Page 19, line 1, by striking the words “a
30 resolution or” and inserting the following: “a
31 ~~resolution or the~~”.
- 32 11. Page 19, line 3, by striking the words
33 “resolution or” and inserting the following:
34 “~~resolution or~~”.
- 35 12. Page 19, line 5, by striking the words
36 “resolution or” and inserting the following:
37 “~~resolution or~~”.
- 38 13. Page 19, by inserting after line 26 the
39 following:
40 “A resolution regulating the length of time a
41 specific crossing may be blocked, which was adopted
42 before the effective date of Senate File 500 of the
43 Seventy-third General Assembly, is an ordinance for
44 the purposes of this section.”

DONALD V. DOYLE

S-3619

- 1 Amend House File 402, as passed by the House, as
2 follows:
- 3 1. Page 3, by striking lines 19 through 21 and
4 inserting the following: “care placement is in the
5 child’s best interests. The court shall determine
6 that voluntary foster care”.
- 7 2. Page 4, by striking lines 9 through 11 and
8 inserting the following:
9 “3. A dispositional hearing is open to the public
10 unless the court, on the motion of any of the parties

11 or upon the court's own motion, excludes the public.
12 The court shall exclude the public from a hearing if
13 the court determines that the possibility of damage or
14 harm to the child outweighs the public's interest in
15 having an open hearing. Upon closing the hearing to
16 the public, the court may admit those persons who have
17 direct interest in the case or in the work of the
18 court."

CHARLES BRUNER

S-3620

1 Amend the amendment, S-3564, to House File 451 as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 11 the
5 following:
6 "____. Page 1, by striking lines 24 through 26."
7 2. Page 1, by striking line 14 and inserting the
8 following:
9 "2. a. A city, merged area school, school
10 district, area education".
11 3. Page 1, by striking line 19 and inserting the
12 following:
13 "b. The governing body of a city, merged area
14 school, school district,".
15 4. By numbering and renumbering as necessary.

JOHN P. KIBBIE
RICHARD V. RUNNING
KEN SCOTT
LEONARD BOSWELL
MARK R. HAGERLA
RICHARD VANDE HOEF
ALVIN MILLER
DON GETTINGS
EUGENE FRAISE
BERL E. PRIEBE
BILL HUTCHINS
WALLY E. HORN
JAMES RIORDAN
CALVIN O. HULTMAN
PAT DELUHERY
C. JOSEPH COLEMAN
WILMER RENSINK
LARRY MURPHY

HOUSE AMENDMENT TO
SENATE FILE 52

S-3621

- 1 Amend Senate File 52, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "if" the following: "it is reasonable and necessary
- 5 under the circumstances and is not designed or
- 6 intended to cause pain or if".
- 7 2. Title page, line 1, by striking the words
- 8 "approved or".

S-3622

- 1 Amend House File 573, 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 341A.5, unnumbered paragraph
- 6 1, Code 1989, is amended to read as follows:
- 7 The commission shall hold an organizational meeting
- 8 immediately after its establishment and shall elect
- 9 one of its members as chairperson. The commission
- 10 shall hold regular meetings at least once ~~every three~~
- 11 ~~months~~ annually, and may hold ~~such~~ additional meetings
- 12 as may be required in the fulfillment of its
- 13 responsibilities. All commission meetings shall be
- 14 public meetings."
- 15 2. Title page, by striking line 1 and inserting
- 16 the following: "An Act relating to city and county
- 17 civil service, by providing for meetings of civil
- 18 service commissions, by providing for civil service
- 19 medical examinations, and by".
- 20 3. By renumbering sections.

RICHARD VANDE HOEF

S-3623

- 1 Amend House File 735, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, by striking lines 29 through 32, and
- 4 inserting the following: "permit inclusion. The
- 5 question may be included in the next election in which
- 6 all of the voters in the proposed E911 service area
- 7 will be eligible to vote on the same day, such as a

8 primary, general, or school board election. The
9 county”.

MICHAEL E. GRONSTAL

S-3624

1 Amend House File 403 as passed by the House, as
2 follows:

3 1. Page 4, by inserting after line 24, the
4 following:

5 “Sec. ____ . Section 598.21, subsection 8, Code
6 1989, is amended by adding the following new
7 unnumbered paragraphs after paragraph k, unnumbered
8 paragraph 2:

9 NEW UNNUMBERED PARAGRAPH. Improved technology
10 leading to better evidence of nonpaternity is not
11 barred by time limits on new evidence and constitutes
12 a substantial change in circumstances authorizing the
13 court to consider modification of a previous
14 determination of paternity.

15 NEW UNNUMBERED PARAGRAPH. The enactment of section
16 598.41 or the enactment of any substantive amendment
17 to section 598.41 constitutes a substantial change in
18 circumstances authorizing the court to consider
19 modification of an award of child custody.

20 Sec. ____ . NEW SECTION. 675.43 MODIFICATION.

21 1. The court may subsequently modify orders made
22 under this chapter if a substantial change in
23 circumstances occurs. Modification of orders
24 pertaining to child custody shall be made pursuant to
25 section 598.41 or chapter 598A.

26 2. The enactment of section 598.41 or the
27 enactment of any substantive amendment to section
28 598.41 constitutes a substantial change in
29 circumstances authorizing the court to consider
30 modification of an award of child custody.

31 3. Improved technology leading to better evidence
32 of nonpaternity is not barred by time limits on new
33 evidence and constitutes a substantial change in
34 circumstances authorizing the court to consider
35 modification of a previous determination of paternity.

36 Sec. ____ . CHAPTER TITLE CHANGE. The Code editor
37 shall change the title of chapter 675 to “Parentage of
38 Children and Obligation for Support”.

39 3. Renumber as necessary.

RICHARD RUNNING

S-3625

- 1 Amend House File 345, as passed by the House, as
2 follows:
3 1. Page 1, line 4, by striking the words "that
4 part" and inserting the following: "one-half".

JIM RIORDAN
MAGGIE TINSMAN
RAY TAYLOR
TOM MANN, JR.

S-3626

- 1 Amend House File 18, as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 20, the
4 following:
5 "This section shall be construed to find the
6 consumption of alcoholic liquor, wine, or beer rather
7 than the serving of alcoholic liquor, wine, or beer as
8 the proximate cause of injury inflicted upon another
9 by a minor."
10 2. Page 2, by inserting after line 9, the
11 following:
12 "This section shall be construed to find the
13 consumption of alcoholic liquor, wine, or beer rather
14 than the serving of alcoholic liquor, wine, or beer as
15 the proximate cause of injury inflicted upon another
16 by a person age nineteen or twenty."

TOM MANN, JR.

S-3627

- 1 Amend House File 127, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 4, by striking lines 26 and 27.
4 2. Title page, line 3, by striking the word "
5 and".
6 3. Title page, line 4, by striking the word
7 "providing an effective date".

DONALD V. DOYLE
BERL E. PRIEBE
DALE L. TIEDEN

S-3628

1 Amend House File 537 as follows:
2 1. Page 3, by inserting after line 12, the
3 following:
4 "Sec. ____ . Section 321.52, subsection 4, Code
5 1989, is amended by adding the following new
6 paragraph:
7 NEW PARAGRAPH. e. A person who titled the
8 person's motor vehicle before July 1, 1989, may have a
9 title issued on that motor vehicle to the person
10 without the "REBUILT" designation, if the person can
11 show adequate proof that the wrecked or salvage motor
12 vehicle was inspected by a peace officer prior to
13 being repaired prior to September 1, 1988, and show
14 proof through receipts of used parts and photos of the
15 damage to the wrecked or salvage motor vehicle that
16 the motor vehicle did not have major damage requiring
17 repairs or replacement of more than two of the
18 vehicle's component parts. Upon proper application
19 and payment of a two dollar fee, the county treasurer
20 shall issue to the person the title to the person's
21 motor vehicle without the "REBUILT" designation."

DONALD V. DOYLE

S-3629

1 Amend House File 146, as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 1, by striking line 11, and inserting the
4 following: "board of supervisors, shall have power to
5 employ an".

JIM LIND

S-3630

1 Amend House File 313, as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 5 the
4 following:
5 "Sec. ____ . Section 368.7, unnumbered paragraphs 2
6 and 3, Code 1989, are amended to read as follows:
7 An application for annexation of territory not
8 within the urbanized area of a city other than the
9 city to which the annexation is directed must be

10 approved by resolution of the council which receives
 11 the application. In the discretion of a city council,
 12 the resolution may include a provision for a
 13 transition for the imposition of taxes as provided in
 14 section 368.11, subsection 13. Upon receiving
 15 approval of the council, the city clerk shall file a
 16 copy of the resolution, map, and legal description of
 17 the territory involved with the state department of
 18 transportation. The city clerk shall also file a copy
 19 of the map and resolution with the county recorder and
 20 secretary of state. The annexation is completed upon
 21 acknowledgment by the secretary of state that the
 22 secretary of state has received the map and
 23 resolution.

24 An application for annexation of territory within
 25 the urbanized area of a city other than the city to
 26 which the annexation is directed must be approved both
 27 by resolution of the council which receives the
 28 application and by the board. In the discretion of a
 29 city council, the resolution may include a provision
 30 for a transition for the imposition of taxes as
 31 provided in section 368.11, subsection 13. The
 32 annexation is completed when the board has filed
 33 copies of applicable portions of the proceedings as
 34 required by section 368.20, subsection 2.

35 Sec. ____ . Section 368.11, Code 1989, is amended by
 36 adding the following new subsection:

37 NEW SUBSECTION. 13. In the discretion of a city
 38 council, a provision for a transition for the
 39 imposition of city taxes against property within an
 40 annexation area. The provision shall not allow a
 41 greater exemption from taxation than the tax exemption
 42 formula schedule provided under section 427B.3,
 43 paragraphs "a" through "e", and shall be applied in
 44 the levy and collection of taxes. The provision may
 45 also allow for the partial provision of city services
 46 during the time in which the exemption from taxation
 47 is in effect."

48 2. Title page, by striking lines 1 and 2 and
 49 inserting the following: "An Act relating to
 50 voluntary annexation by authorizing a city to provide

Page 2

- 1 for a transition for imposition of city taxes within
- 2 an annexed area and by reducing the common boundary of
- 3 an adjoining property."
- 4 3. By renumbering sections as required.

S-3631

1 Amend House File 551, 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 330.23, Code 1989, is amended
6 by adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. Sections 330.17 through
8 330.20 do not apply to the abolition of an airport
9 commission by a city pursuant to this section for the
10 purpose of establishing an administrative agency
11 pursuant to chapter 392 to manage and control all or
12 part of its airport. The commission shall stand
13 abolished sixty days from the date of the city
14 council's final approval abolishing the airport
15 commission pursuant to this section, unless the
16 council designates a different effective date."

17 2. By renumbering as necessary.

DONALD GETTINGS
DONALD V. DOYLE

S-3632

1 Amend House File 645, 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 515.48, is amended by adding
6 the following new subsection following subsection 9
7 and renumbering the next following subsection:
8 NEW SUBSECTION. 10. Insure against loss or damage
9 by reason of defective title, encumbrances, or
10 otherwise, coverage commonly known as title insurance.

11 Sec. ____ . Section 515.48, subsection 10, Code
12 1989, is amended to read as follows:

13 ~~to~~ 11. Insure any additional risk not specifically
14 included within any of the foregoing classes, which is
15 a proper subject for insurance, is not prohibited by
16 law or contrary to sound public policy, and which,
17 after public notice and hearing, is specifically
18 approved by the commissioner of insurance, ~~except~~
19 ~~title insurance or insurance against loss or damage by~~
20 ~~reason of defective title, encumbrances or otherwise.~~
21 When ~~such an~~ additional kind of insurance is approved
22 by the commissioner, the commissioner shall designate
23 within which classification of risks provided for in

24 section 515.49 it ~~shall fall~~ falls.

25 Sec. ____ . Section 535.8, subsection 2, paragraph

26 b, is amended by adding the following new

27 subparagraph:

28 NEW SUBPARAGRAPH. (11) Title insurance premiums.”

CALVIN O. HULTMAN

S-3633

1 Amend House File 740, 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 728.1, subsection 1, Code 1989,

6 is amended to read as follows:

7 1. “Obscene material” is any material depicting or
 8 describing the genitals, sex acts, masturbation,
 9 excretory functions or sadomasochistic abuse which the
 10 average person, taking the material as a whole and
 11 applying contemporary community standards with respect
 12 to what is suitable material for minors, would find
 13 appeals to the prurient interest and is patently
 14 offensive; and the material, taken as a whole, lacks
 15 serious literary, scientific, political or artistic
 16 value. “Harmful material” means any material that
 17 meets all of the following conditions:

18 a. Taken as a whole, the average person, applying
 19 contemporary community standards, would find the
 20 material to have a tendency to excite lustful or
 21 erotic thoughts in minors or appeal to the prurient
 22 interest of minors in sex.

23 b. (1) Depicts a sex act, excretory functions,
 24 sadomasochistic abuse, or lascivious exhibition of the
 25 genitals, buttocks, or female breast.

26 (2) The depiction is in a way that is patently
 27 offensive to prevailing standards in the adult
 28 community with respect to what is suitable for minors.

29 c. A reasonable person would find, taken as a
 30 whole, the material lacks serious literary, artistic,
 31 political, or scientific value.”

32 2. Page 1, by inserting after line 19 the

33 following:

34 “Sec. ____ . Section 728.1, Code 1989, is amended by

35 adding the following new subsection:

36 NEW SUBSECTION. 10. “Obscene material” means

37 material that meets all of the following conditions:

38 a. The average person, applying contemporary adult

39 community standards, would find that, taken as a

40 whole, the material appeals to the prurient interest
 41 in sex.
 42 b. Depicts any of the following:
 43 (1) Patently offensive representations of sex
 44 acts, actual or simulated.
 45 (2) Patently offensive representations of
 46 masturbation, excretory functions, sadomasochistic
 47 abuse, or lascivious exhibition of the genitals,
 48 actual or simulated.
 49 c. A reasonable person would find, taken as a
 50 whole, the material lacks serious literary, artistic,

Page 2

1 political, or scientific value.
 2 Sec. ____ . NEW SECTION. 728.1A DETERMINATION OF
 3 MATERIAL DEPICTING LASCIVIOUS EXHIBITION OF THE
 4 GENITALS, BUTTOCKS, OR FEMALE BREAST.
 5 In determining whether a depiction constitutes a
 6 "lascivious exhibition of the genitals, buttocks, or
 7 female breast", the trier of fact shall consider all
 8 of the following factors:
 9 1. Whether the focal point of the depiction is on
 10 the genitals, buttocks, or female breast.
 11 2. Whether the depiction of the setting is
 12 sexually suggestive, such as when the setting is in a
 13 place generally associated with sexual activity.
 14 3. Whether the person is depicted in a pose
 15 generally associated with sexual activity.
 16 4. Whether the depiction suggests sexual coyness
 17 or a willingness to engage in sexual activity.
 18 5. Whether the depiction is intended or designed
 19 to elicit a sexual response.
 20 Not all of the factors need be involved for
 21 material to depict "lascivious exhibition of the
 22 genitals, buttocks, or female breast". The
 23 determination shall be made based on the overall
 24 content of the depiction.
 25 Sec. ____ . Section 728.2, Code 1989, is amended to
 26 read as follows:
 27 728.2 DISSEMINATION AND EXHIBITION OF OBSCENE
 28 HARMFUL MATERIAL TO MINORS A MINOR.
 29 Any A person, other than the parent or guardian of
 30 the minor, who knowingly disseminates or exhibits
 31 ~~obscene~~ harmful material to a minor, including the
 32 exhibition of ~~obscene~~ harmful material so that it can
 33 be observed by a minor on or off the premises where it
 34 is displayed, is ~~guilty of a public offense and shall~~
 35 upon conviction, ~~be guilty~~ of a serious misdemeanor.
 36 Sec. ____ . Section 728.3, Code 1989, is amended to

37 read as follows:

38 728.3 ADMITTING MINORS A MINOR OR A CHILD TO
39 PREMISES WHERE OBSCENE HARMFUL MATERIAL IS EXHIBITED.

40 1. A person who knowingly sells, gives, delivers,
41 or provides a minor who is not a child with a pass or
42 admits the minor to premises where obscene harmful
43 material is exhibited is guilty, of a public offense
44 and upon conviction, is guilty of a serious
45 misdemeanor.

46 2. A person who knowingly sells, gives, delivers,
47 or provides a child with a pass or admits a child to a
48 premise where obscene harmful material is exhibited is
49 guilty, of a public offense and upon conviction, is
50 guilty of an aggravated misdemeanor."

Page 3

1 3. By striking page 1, line 20, through page 2,
2 line 5, and inserting the following:

3 "Sec. ____ . Section 728.4, Code 1989, is amended to
4 read as follows:

5 728.4 RENTAL OR SALE OF HARD CORE PORNOGRAPHY
6 OBSCENE MATERIALS.

7 1. A person who knowingly rents, sells, or offers
8 for rental or sale obscene material depicting a sex
9 act involving sadomasochistic abuse, excretory
10 functions, or bestiality, which the average adult
11 taking the material as a whole in applying
12 contemporary community standards would find appeals to
13 the prurient interest and is patently offensive; and
14 which material, taken as a whole, lacks serious
15 literary, scientific, political, or artistic value, is
16 guilty, upon conviction, is guilty of an aggravated
17 misdemeanor. However, second and subsequent
18 violations of this subsection by a person who has
19 previously been convicted of violating this subsection
20 are class "D" felonies.

21 2. A person who knowingly imports or causes to be
22 brought or sent into this state, for purposes of sale
23 or rental, any obscene material is guilty, upon
24 conviction, of a class "D" felony.

25 3. Charges under this section may only be brought
26 by a county attorney or by the attorney general."

27 4. Page 2, by inserting before line 6, the
28 following:

29 "Sec. ____ . Section 728.6, Code 1989, is amended to
30 read as follows:

31 728.6 CIVIL SUIT TO DETERMINE OBSCENITY OR THE
32 SALE OR RENTAL OF MATERIAL HARMFUL TO A MINOR.

33 ~~Whenever~~ If the county attorney of any a county has

34 reasonable cause to believe that ~~any a~~ person is
35 engaged or plans to engage in the dissemination or
36 exhibition of harmful material to a minor or obscene
37 material within the county attorney's county, ~~to~~
38 ~~minors~~ the county attorney may institute a civil
39 proceeding in the district court of the county to
40 enjoin the dissemination or exhibition of ~~obscene~~
41 harmful material to ~~minors a~~ minor or the sale or
42 rental of obscene material. ~~Such~~ The application for
43 injunction is optional and not mandatory and shall not
44 be construed as a prerequisite to criminal prosecution
45 for a violation of this chapter.

46 Sec. ____ . Section 728.10, Code 1989, is amended to
47 read as follows:

48 728.10 AFFIRMATIVE DEFENSE.

49 In ~~any a~~ prosecution for disseminating or
50 exhibiting ~~obscene~~ harmful material to ~~minors a~~ minor,

Page 4

1 it is an affirmative defense that the defendant had
2 reasonable cause to believe that the minor involved
3 was eighteen years old or more and the minor exhibited
4 to the defendant a draft card, driver's license, birth
5 certificate, or other official or apparently official
6 document purporting to establish that ~~such the~~ minor
7 was eighteen years old or more or was accompanied by a
8 parent or spouse eighteen years of age or more.

9 Sec. ____ . Section 728.11, Code 1989, is amended to
10 read as follows:

11 728.11 UNIFORM APPLICATION.

12 In order to provide for the uniform application of
13 the provisions of this chapter relating to obscene
14 ~~material applicable to minors or harmful material~~
15 within this state, ~~it is intended that~~ the sole and
16 only regulation of obscene or harmful material shall
17 be under ~~the provisions of~~ this chapter, and ~~no a~~
18 municipality, county, or other governmental unit
19 within this state shall not make ~~any a~~ law, ordinance,
20 or regulation relating to the availability of obscene
21 materials or harmful material. All such laws,
22 ordinances, or regulations ~~shall be or become~~ are
23 void, unenforceable, and of no effect on January 1,
24 1978. ~~Nothing in this~~ This section shall does not
25 restrict the zoning authority of cities and counties."

RAY TAYLOR

S-3634

1 Amend House File 250, 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. 80.40 CRIME
6 INFORMATION.

7 The department shall establish a program to
8 collect, classify, record, and disseminate information
9 relating to crimes motivated by bigotry and bias.
10 Planning for this project shall be completed by
11 January 1, 1990, and program implementation shall
12 begin by July 1, 1990.

13 Sec. 2. Section 729.5, Code 1989, is amended to
14 read as follows:

15 729.5 PROHIBITING VIOLATIONS OF AN INDIVIDUAL'S
16 CIVIL RIGHTS -- PENALTIES.

17 1. Persons within the state of Iowa have the right
18 to be free from any violence, or intimidation by
19 threat of violence, committed against their persons or
20 property because of their race, color, religion,
21 ancestry, national origin, political affiliation, or
22 sex.

23 2. A person who conspires with another person or
24 persons to injure, oppress, threaten, or intimidate,
25 or interfere with any citizen in the free exercise or
26 enjoyment of any right or privilege secured to that
27 person by the constitution or laws of the state of
28 Iowa or by the constitution or laws of the United
29 States, and assembles with one or more persons for the
30 purpose of teaching or being instructed in any
31 technique or means capable of causing property damage,
32 bodily injury, or death when the person or persons
33 intend to employ those techniques or means in
34 furtherance of the conspiracy, is on conviction,
35 guilty of a class "D C" felony.

36 3. A person who maliciously and intentionally
37 intimidates or interferes with another citizen because
38 of that citizen's race, color, religion, ancestry,
39 national origin, political affiliation, or sex and
40 while doing so commits any of the following acts, is
41 guilty of a class "D" felony:

42 a. Causes physical injury to that citizen.

43 b. By words or conduct places that citizen in
44 reasonable fear of harm to self or property or harm to
45 the person or property of a third person.

46 c. Causes physical damage to or destruction of the
47 property of that citizen.

48 3 4. The fact that a person committed a felony or
 49 misdemeanor, or attempted to commit a felony, because
 50 of the victim's race, color, religion, ~~nationality~~,

Page 2

1 ~~country of ancestry, national~~ origin, political
 2 affiliation, or sex, shall be considered a
 3 circumstance in aggravation of any crime in imposing a
 4 sentence ~~and fine~~.

5 5. A victim who has suffered physical, emotional,
 6 or financial harm as a result of a violation of this
 7 section is entitled to injunctive relief, reasonable
 8 attorney fees, and costs.

9 4 6. This section does not make unlawful the
 10 teaching of any technique in self-defense.

11 5 7. This section does not make unlawful any
 12 activity of:

13 a. Law enforcement officials of this or any other
 14 jurisdiction while engaged in the lawful performance
 15 of their official duties;

16 b. Federal officials required to carry firearms
 17 while engaged in the lawful performance of their
 18 official duties;

19 c. Members of the armed forces of the United
 20 States or the national guard while engaged in the
 21 lawful performance of their official duties; or

22 d. Any conservation commission, law enforcement
 23 agency, or any agency licensed to provide security
 24 services, or any hunting club, gun club, shooting
 25 range, or other organization or entity whose primary
 26 purpose is to teach the safe handling or use of
 27 firearms, archery equipment, or other weapons or
 28 techniques employed in connection with lawful sporting
 29 or other lawful activity."

30 2. Title page, lines 1 through 3 by striking the
 31 words "by prohibiting interference with the
 32 contractual or business relations of another
 33 citizen,".

RAY TAYLOR
 RICHARD V. RUNNING

S-3635

1 Amend House File 537 as follows:
 2 1. Page 3, by inserting after line 12, the
 3 following:

4 "Sec. ____ . Section 321.52, subsection 4, Code
 5 1989, is amended by adding the following new
 6 paragraph:
 7 NEW PARAGRAPH. e. A person who titled the
 8 person's motor vehicle before May 1, 1989, may have a
 9 title issued on that motor vehicle to the person
 10 without the "REBUILT" designation, if the person can
 11 show adequate proof that the wrecked or salvage motor
 12 vehicle was inspected by a peace officer prior to
 13 being repaired prior to September 1, 1988, and show
 14 proof through receipts of used parts and photos of the
 15 damage to the wrecked or salvage motor vehicle that
 16 the motor vehicle did not have major damage requiring
 17 repairs or replacement of more than two of the
 18 vehicle's component parts. Upon proper application
 19 and payment of a two dollar fee, the county treasurer
 20 shall issue to the person the title to the person's
 21 motor vehicle without the "REBUILT" designation."

DONALD V. DOYLE

S-3636

1 Amend House File 620, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 1, line 23, by striking the words "two
 4 and one-half" and inserting the following: "one".
 5 2. Page 1, by striking line 26 and inserting the
 6 following: "municipality, but the number shall not be
 7 less than ~~ten~~ twenty-five".
 8 3. Page 3, line 6, by striking the words "two and
 9 one-half" and inserting the following: "one".

ELAINE SZYMONIAK

S-3637

1 Amend amendment, S-3581, to Senate File 373, as
 2 follows:
 3 1. Page 4, by striking lines 43 through 46 and
 4 inserting the following:
 5 "The board may periodically require that an audit
 6 of the transactions between a public utility and its
 7 affiliates be conducted by the nationally or
 8 regionally recognized independent auditing firm
 9 regularly retained by the public utility or the
 10 affiliate. An affiliate transaction".
 11 2. Page 7, line 1, by striking the word "retain"

- 12 and inserting the following: "require that".
13 3. Page 7, line 2, by striking the word "to" and
14 inserting the following: "regularly retained by the
15 public utility".
16 4. Page 7, line 4, by striking the word "a" and
17 inserting the following: "the".

WILLIAM DIELEMAN

S-3638

- 1 Amend the amendment, S-3581, to Senate File 373 as
2 follows:
3 1. Page 2, line 3, by inserting before the word
4 "directly" the following: "engages in nonutility
5 service and that".
6 2. Page 2, line 17, by striking the word
7 "includes" and inserting the following: "means".

JOHN W. JENSEN

S-3639

- 1 Amend House File 293, as passed by the House, as
2 follows:
3 1. Page 1, line 11, by inserting after line 11
4 the following: "The department shall report annually
5 to the general assembly regarding the gifts,
6 contributions, bequests, endowments, or other moneys
7 accepted pursuant to this paragraph and the interest
8 earned on them."

JOE WELSH

S-3640

- 1 Amend the amendment, S-3564, to House File 451, as
2 amended, passed, and reprinted by the House, as
3 follows:

DIVISION S—3640A

- 4 1. Page 1, line 22, by striking the words "con-
5 tracting with or employing" and inserting the
6 following: "utilizing the auditor of state instead
7 of".
8 2. Page 1, line 24, by striking the words "of the

9 selection”.

10 3. Page 1, line 26, by striking the word “selec-
11 tion” and inserting the following: “decision to use
12 the auditor of state”.

13 4. Page 1, line 28, by inserting after the figure
14 “1” the following: “only if provisions are not made
15 by the governing body to contract for the audit”.

DIVISION S—3640B

16 5. Page 1, by inserting after line 45 the fol-
17 lowing:

18 “___ . Page 3, by striking lines 25 and 26 and in-
19 serting the following: “council. The auditor of
20 state shall obtain payment from a certified public
21 accountant for advisory and””.

22 6. Page 1, by inserting after line 49 the follow-
23 ing:

24 “___ . Page 4, line 11, by inserting after the
25 word “account.” the following: “However, the filing
26 fee established shall not exceed fifty dollars and
27 shall not be collected for the filing of the report of
28 examination if the audit was performed by the auditor
29 of state.””

30 7. By numbering and renumbering as necessary.

ELAINE SZYMONIAK

S-3641

1 Amend the amendment, S-3591, to House File 722, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, line 25, by inserting after the word
5 “waste.” the following: “In developing standards, the
6 department shall consider factors affecting the feasi-
7 bility of alternative methods of treatment and
8 disposal, including but not limited to the volume of
9 infectious waste generated, the availability of
10 treatment facilities within geographic areas, and the
11 costs of transporting infectious wastes to treatment
12 facilities.”

13 2. Page 1, by striking lines 36 through 41 and
14 inserting the following:

15 “d. The department shall undertake a public
16 information program, in conjunction with the Iowa
17 department of public health and health care providers,
18 to promote public understanding of the scope and

19 features of state and private efforts to manage
20 infectious wastes.””

MICHAEL E. GRONSTAL
PAUL D. PATE
PAT DELUHERY

S-3642

- 1 Amend amendment, S-3581, to Senate File 373 as
2 follows:
3 1. Page 1, by striking lines 4 through 32.
4 2. By striking page 5, line 5, through page 6,
5 line 11.
6 3. By renumbering sections as necessary.

WALLY E. HORN

S-3643

- 1 Amend House File 745 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 8, by striking lines 30 through 34 and
4 inserting the following: “twenty-five dollars.”

C. JOSEPH COLEMAN

S-3644

- 1 Amend the amendment, S-3602, to House File 662, as
2 follows:
3 1. Page 1, by striking lines 3 and 4 and
4 inserting the following:
5 “ ___ . Page 1, line 21, by inserting after the
6 word “and” the following: “the administrator’s order
7 shall be presented, ex parte, to the district court
8 for review and approval, and unless defects appear on
9 the face of the order or on the attachments, the
10 district court shall approve the order, and”.”

TOM MANN, Jr.

S-3645

- 1 Amend the House amendment, S-3604, to Senate File
2 366, as passed by the Senate, as follows:
3 1. Page 1, line 7, by inserting after the word

4 "property." the following: "For the purposes of this
5 subsection, a county acquiring property for delinquent
6 taxes shall not be considered a property owner."

WILLIAM PALMER

S-3646

1 Amend House File 522, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 5, by inserting after the word
4 "supervisors," the following: "the elected county
5 offices,".

6 2. Page 1, by inserting after line 12 the
7 following:

8 "Sec. ____ . Section 69.8, subsection 3, Code 1989,
9 is amended to read as follows:

10 3. County offices. In county offices, by the
11 board of supervisors, unless an election is called as
12 provided in section 69.14A."

13 3. Page 1, by striking lines 28 and 29 and
14 inserting the following: "selected by the committee,
15 the appointment may be made before publication of the
16 notice, but the appointment shall be made within forty
17 days after the vacancy occurs. However, if within
18 fourteen days".

19 4. Page 1, line 34, by striking the number "2"
20 and inserting the following: "3".

21 5. Page 1, by inserting after line 35 the
22 following:

23 "2. When a vacancy exists in an elected county
24 office, the board of supervisors shall publish notice
25 as provided in section 331.305 indicating the method,
26 appointment or special election, by which the board
27 intends to fill the vacancy. If appointment is
28 selected by the board, the appointment may be made
29 before publication of the notice, but the appointment
30 shall be made within forty days after the vacancy
31 occurs. However, if within fourteen days after the
32 date of the notice or within fourteen days after the
33 appointment is made, whichever date is later, a
34 petition requesting a special election to fill the
35 vacancy is filed with the county auditor, the
36 appointment is temporary and a special election shall
37 be called as provided in subsection 3. The petition
38 shall meet the requirements of section 331.306."

39 6. Page 2, by striking line 1 and inserting the
40 following:

41 "3. The committee of county officers or board of

42 supervisors as applicable may, on its own".
 43 7. Page 2, line 5, by inserting after the word
 44 "committee" the following: "or board".
 45 8. Page 2, by inserting after line 9 the
 46 following:
 47 "Sec. ____ . Section 331.322, subsection 3, Code
 48 1989, is amended to read as follows:
 49 3. Fill vacancies in county offices in accordance
 50 with sections 69.8 to ~~69.13~~ 69.14A, and make

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1 appointments in accordance with section 69.16 unless a
 2 special election is called pursuant to section 69.14A.
 3 9. Title page, line 2, by inserting after the
 4 word "supervisors" the following: "or in the elected
 5 county offices".

BERL E. PRIEBE
 ALVIN V. MILLER
 MAGGIE TINSMAN

S-3647

1 Amend House File 537, as passed by the House, as
 2 follows:
 3 1. Page 4, by inserting after line 32 the
 4 following:
 5 "Sec. 555. AUTHORIZATION FOR LEASE-PURCHASE
 6 AGREEMENT. The state department of transportation is
 7 authorized to enter into a lease-purchase agreement to
 8 acquire facilities at the city of Ankeny to be used in
 9 its administration of motor vehicles under section
 10 307.27. However, the cost of the lease-purchase
 11 agreement shall not exceed \$7,200,000."
 12 2. Page 4, line 33, by inserting after the figure
 13 "2" the following: ", 555,".
 14 3. Renumber sections and correct internal
 15 references as necessary.

JOE WELSH

S-3648

1 Amend House File 686, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 29, by inserting after the word
 4 "innovation" the following: "and in the development

5 of Iowa science infrastructure”.

6 2. Page 2, line 1, by striking the words “A study
7 of the need for” and inserting the following:

8 “Establishment of”.

9 3. Page 2, lines 5 and 6, by striking the words
10 “The study shall include recommendations.”

11 4. By striking page 2, line 21 through page 3,
12 line 24 and inserting the following:

13 “a. The following standing and appointed members
14 from the academic community:

15 (1) The president of the university of Iowa, or
16 the president's designee.

17 (2) The president of Iowa state university, or the
18 president's designee.

19 (3) The president of the university of northern
20 Iowa, or the president's designee.

21 (4) A designee of the Iowa association of
22 independent colleges and universities.

23 (5) The president of the state board of regents,
24 or the president's designee.

25 (6) A president of a community college, or the
26 president's designee appointed by the governor.

27 b. The following standing and appointed members
28 from state government:

29 (1) The director of the department of economic
30 development, or the director's designee.

31 (2) The chairperson of the Iowa economic
32 development board, or the chairperson's designee.

33 (3) Three state department heads or division
34 administrators or their designees appointed by the
35 governor.

36 The membership designated and appointed under this
37 paragraph “b” shall be bipartisan and gender balanced
38 in accordance with sections 69.16 and 69.16A.

39 c. The following members from the private sector
40 appointed by the governor:

41 (1) Four leaders from technology-based firms in
42 the state or Iowans with experience in technology
43 development and commercialization.

44 (2) One scientist or leader in technology
45 development.

46 2. The terms of the appointed members shall be for
47 four years and shall be staggered as determined by the
48 standing members. Any vacancy shall be filled by the
49 appointing authority. Members are eligible for actual
50 expense reimbursement while fulfilling duties of the

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1 foundation. The board shall elect a chairperson from
2 among its private sector members.”

3 5. Page 4, by striking lines 22 and 23 and
4 inserting the following:

5 “14. To establish advisory committees of business
6 or academic specialists or others as deemed
7 necessary.”

8 6. Page 6, by inserting before line 27 the
9 following:

10 “6. The plan shall include directions for
11 participation by the foundation, through direct
12 investment or in partnership or joint venture with a
13 commercial investor or other financial source, in
14 providing funds for development of new or existing
15 businesses in Iowa engaged in commercial exploitation
16 of products or technologies related to the research
17 interests of the foundation.”

18 7. Page 6, line 34, by inserting after the word
19 “college” the following: “, community college,”

20 8. Page 8, line 2, by inserting after the word
21 “colleges” the following: “, community colleges,”

22 9. Page 8, by inserting before line 21, the
23 following:

24 “Sec. ____ . NEW SECTION. 28.158A BONDS AND NOTES
25 -- AUTHORITY.

26 1. The foundation may issue its own negotiable
27 bonds and notes in principal amounts as, in the
28 opinion of the foundation, are necessary to provide
29 sufficient funds for achievement of its corporate
30 purposes. The foundation shall issue bonds and notes
31 to the extent not inconsistent with the limitations
32 and restrictions of issuing bonds and notes under
33 sections 220.26, 220.27, and 220.28.

34 2. Bonds and notes issued by the foundation are
35 payable solely and only out of the moneys, assets, or
36 revenues of the foundation, and as provided in the
37 agreement with bondholders or noteholders pledging any
38 particular moneys, assets, or revenues. Bonds or
39 notes are not an obligation of this state or any
40 political subdivision of this state other than the
41 foundation within the meaning of any constitutional or
42 statutory debt limitations, but are special
43 obligations of the foundation payable solely and only
44 from the sources provided in this section, and the
45 foundation shall not pledge the credit or taxing power
46 of this state or any political subdivision of this
47 state other than the foundation, or make its debts
48 payable out of any moneys except those of the

49 foundation.

50 3. The foundation may create and establish one or

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1 more special funds, to be known as "bond reserve
2 funds", and shall pay into each bond reserve fund any
3 moneys appropriated and made available by the state
4 for the purpose of the fund, any proceeds of sale of
5 notes or bonds to the extent provided in the
6 resolutions of the foundation authorizing their
7 issuance, and any other moneys which may be available
8 to the foundation for the purpose of the fund from any
9 other sources. All moneys held in a bond reserve fund
10 shall be used as required solely for the payment of
11 the principal of bonds secured in whole or in part by
12 the fund or of the sinking fund payments with respect
13 to the bonds, the purchase or redemption of the bonds,
14 the payment of interest on the bonds or the payments
15 of any redemption premium required to be paid when the
16 bonds are redeemed prior to maturity.

17 4. The use of proceeds of the sale of bonds or
18 notes shall be limited to the acquisition of machinery
19 and equipment relating to science and technology which
20 is identified in the strategic plan prepared pursuant
21 to section 28.157 and the use of proceeds shall be
22 limited to one million dollars for each machine or
23 piece of equipment."

24 10. By striking page 8, line 21 through page 9,
25 line 10.

26 11. Title page, line 1, by inserting after the
27 word "foundation" the following: ", authorizing the
28 issuance of bonds,".

29 12. By renumbering as necessary.

JOHN P. KIBBIE
LEONARD BOSWELL
RICHARD V. RUNNING
JEAN LLOYD-JONES

S-3649

1 Amend House File 178 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 7, by inserting after the word
4 "agreements" the following: "and are subject to
5 approval by the department of human services".

6 2. Page 8, line 35, by striking the word "shall"
7 and inserting the following: "may".

8 3. Page 18, by inserting after line 10 the
9 following:

10 "Sec. ____ . Section 237A.8, Code 1989, is amended
11 to read as follows:

12 237A.8 SUSPENSION AND REVOCATION.

13 The administrator, after notice and opportunity for
14 an evidentiary hearing before the department of
15 inspections and appeals, may suspend or revoke a
16 license or certificate of registration issued under
17 this chapter if the person to whom a license or
18 certificate is issued violates a provision of this
19 chapter or if the person makes false reports regarding
20 the operation of the child day care facility to the
21 administrator or a designee of the administrator. The
22 administrator shall notify the parent, guardian, or
23 legal custodian of each child for whom the person
24 provides child day care, if the license or certificate
25 of registration is suspended or revoked or if there
26 has been a substantiated child abuse case against an
27 employee, owner, or operator of the child day care
28 facility."

29 4. Page 18, by inserting after line 34 the
30 following:

31 "Sec. ____ . Section 239.7, Code 1989, is amended to
32 read as follows:

33 239.7 APPEAL -- JUDICIAL REVIEW.

34 If an application is not acted upon within a
35 reasonable time, if it is denied in whole or in part,
36 or if ~~any an~~ award of assistance is modified,
37 suspended, or canceled under ~~any a~~ provision of this
38 chapter, the applicant or recipient may appeal to the
39 department of human services which shall request the
40 department of inspections and appeals to conduct a
41 hearing. ~~The department shall give the appellant~~
42 ~~reasonable notice and opportunity for a fair hearing~~
43 ~~before the director or the director's designee~~. Upon
44 completion of a hearing, the department of inspections
45 and appeals shall issue a decision which is subject to
46 review by the department of human services. Judicial
47 review of the result of such hearing actions of the
48 department of human services may be sought in
49 accordance with ~~the terms of the Iowa administrative~~
50 ~~procedure Act chapter 17A~~. Upon receipt of ~~the a~~

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1 notice of the filing of a petition for judicial
2 review, the department of human services shall furnish
3 the petitioner with a copy of any papers filed in
4 support of the petitioner's position, a transcript of

5 any testimony taken, and a copy of the department's
6 decision.

7 Sec. ____ . Section 249.5, Code 1989, is amended to
8 read as follows:

9 249.5 JUDICIAL REVIEW.

10 If an application is not acted upon within a
11 reasonable time, if it is denied in whole or in part,
12 or if ~~any~~ an award of assistance is modified,
13 suspended, or canceled under ~~any~~ a provision of this
14 chapter, the applicant or recipient may appeal to the
15 department of human services, which shall ~~give the~~
16 ~~appellant reasonable notice and opportunity for a fair~~
17 ~~hearing before the director or the director's designee~~
18 request the department of inspections and appeals to
19 conduct a hearing. Upon completion of a hearing, the
20 department of inspections and appeals shall issue a
21 decision which is subject to review by the department
22 of human services. Judicial review of the actions of
23 the ~~commission~~ department of human services may be
24 sought in accordance with ~~the terms of the Iowa~~
25 ~~administrative procedure Act chapter 17A.~~ Upon
26 receipt of the petition for judicial review, the
27 department of human services shall furnish the
28 petitioner with a copy of any papers filed by the
29 petitioner in support of the petitioner's position, a
30 transcript of any testimony taken, and a copy of the
31 department's decision."

32 5. Page 19, line 8, by inserting after the word
33 "audits" the following: "to ensure compliance with
34 federal and state single state agency requirements".

35 6. Page 19, by inserting after line 8 the
36 following:

37 "Sec. ____ . Section 249A.4, subsection 10, Code
38 1989, is amended to read as follows:

39 10. Shall provide ~~for granting~~ an opportunity for
40 a fair hearing before the ~~director of human services~~
41 ~~or the director's authorized representative~~ department
42 of inspections and appeals to ~~any an~~ individual whose
43 claim for medical assistance under this chapter is
44 denied or is not acted upon with reasonable
45 promptness. Upon completion of a hearing, the
46 department of inspections and appeals shall issue a
47 decision which is subject to review by the department
48 of human services.

49 Judicial review of the ~~actions~~ decisions of the
50 ~~director or~~ department of human services may be sought

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1 in accordance with the terms of the Iowa
 2 administrative procedure Act chapter 17A. In the
 3 event If a petition for judicial review is filed, the
 4 director or the director's authorized representative
 5 department of human services shall furnish the
 6 petitioner with a copy of the application and all
 7 supporting papers, a transcript of the testimony taken
 8 at the hearing, if any, and a copy of its decision.”
 9 7. Page 19, line 17, by inserting after the word
 10 “audits” the following: “to ensure compliance with
 11 federal and state single state agency requirements”.
 12 8. By numbering and renumbering as necessary.

BOB M. CARR

S-3650

1 Amend House File 490, as passed by the House, as
 2 follows:
 3 1. Page 4, by inserting after line 24 the
 4 following:
 5 “Sec. ____ . Section 99B.7, subsection 1, paragraph
 6 c, unnumbered paragraph 1, Code 1989, is amended to
 7 read as follows:
 8 Cash or merchandise prizes may be awarded in the
 9 game of bingo and, except as otherwise provided in
 10 this paragraph, shall not exceed one hundred dollars.
 11 Merchandise prizes may be awarded in the game of
 12 bingo, ~~however, but~~ the actual retail value of the
 13 prize, or if the prize consists of more than one item,
 14 unit or part, the aggregate retail value of all items,
 15 units or parts, shall not exceed ~~one hundred dollars~~
 16 the maximum provided by this paragraph. A jackpot
 17 bingo game may be conducted once during any twenty-
 18 four hour period in which the prize may begin at not
 19 more than three hundred dollars in cash or actual
 20 retail value of merchandise prizes and may be
 21 increased by not more than one hundred dollars after
 22 each ~~day's game~~ bingo occasion. However, the cost of
 23 play in a jackpot bingo game shall not be increased
 24 and the jackpot shall not amount to more than ~~seven~~
 25 eight hundred fifty dollars in cash or actual retail
 26 value of merchandise prizes. A jackpot bingo game is
 27 not prohibited by paragraph “h”. A bingo occasion
 28 shall not last for longer than four consecutive hours.
 29 A qualified organization shall not hold more than
 30 fourteen bingo occasions per month. Bingo occasions

31 held under a limited license shall not be counted in
 32 determining whether a qualified organization has
 33 conducted more than fourteen bingo occasions per
 34 month, nor shall bingo occasions held under a limited
 35 license be limited to four consecutive hours. With
 36 the exception of a limited license bingo, no more than
 37 three bingo occasions per week shall be held within a
 38 structure or building and only one person licensed to
 39 conduct games under this section may hold bingo
 40 occasions within a structure or building.”

41 2. Page 8, by striking lines 25 through 30 and
 42 inserting the following: “in pursuant to this
 43 chapter, commits a misdemeanor. ~~This section shall~~
 44 ~~not prohibit the payment by check of~~ However, a
 45 participant in a bingo occasion or in a contest lawful
 46 under section 99B.11 may make payment by personal
 47 check for any entry or participation fee assessed by
 48 the sponsor of a the bingo occasion or contest lawful
 49 under section 99B.11.”

50 3. By numbering and renumbering as necessary.

BOB CARR

S-3651

1 Amend House File 490, as passed by the House, as
 2 follows:

3 1. Page 1, by striking lines 9 through 16 and
 4 inserting the following:

5 “2. ~~Employ~~ Appoint the administrators of the
 6 divisions within the department and all ~~additional~~
 7 ~~other personnel deemed necessary for the~~
 8 ~~administration of this chapter~~, except the state
 9 public defender, ~~and assistant state public defender,~~
 10 ~~deemed necessary for the administration of this~~
 11 ~~chapter in accordance with chapter 19A defenders,~~
 12 administrator of the racing commission, members of the
 13 employment appeal board, and administrator of the
 14 state foster care review board. The administrators of
 15 the divisions are not exempt from the merit system.
 16 All persons appointed and employed in the department
 17 are covered by the provisions of chapter 19A, but
 18 persons not appointed by the director are exempt from
 19 the merit system provisions of chapter 19A.”

20 2. Page 1, by inserting after line 28 the
 21 following:

22 “Sec. ____ . Section 10A.202, subsection 1,
 23 paragraph g, Code 1989, is amended to read as follows:
 24 g. Hearings and appeals relative to the licensure

25 or certification of hospitals, hospices, and health
26 care facilities administration of the department of
27 inspections and appeals. Decisions of the division in
28 this area are subject to review by the department of
29 inspections and appeals.”

30 3. Page 1, by striking lines 31 through 34 and
31 inserting the following:

32 “NEW PARAGRAPH. m. Hearings and appeals relative
33 to the administration of the department of revenue and
34 finance. Decisions of the division in this area are
35 subject to review by the department of revenue and
36 finance.”

37 4. Page 10, by inserting after line 23 the
38 following:

39 “Sec. ____ . Section 99D.7, subsection 8, Code 1989,
40 is amended to read as follows:

41 8. To investigate alleged violations of this
42 chapter or the commission rules, orders, or final
43 decisions and to take appropriate disciplinary action
44 against a licensee or a holder of an occupational
45 license for the violation, or institute appropriate
46 legal action for enforcement, or both. Decisions by
47 the commission are final agency actions pursuant to
48 chapter 17A.”

49 5. By numbering and renumbering as necessary.

BOB M. CARR

S-3652

1 Amend Senate File 370 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 “Section 1. Section 116.3, subsection 1,
5 unnumbered paragraphs 1 and 2, Code 1989, are amended
6 to read as follows:

7 An accountancy examining board is created within
8 the professional licensing and regulation division of
9 the department of commerce. The board consists of
10 eight members, five of whom shall be certified public
11 accountants, one of whom shall be ~~from the a licensed~~
12 ~~accounting practitioner advisory council~~, and two of
13 whom shall not be certified public accountants or
14 licensed accounting practitioners and ~~who~~ shall
15 represent the general public. A certified or licensed
16 member shall be actively engaged in practice as a
17 certified public accountant or accounting practitioner
18 and shall have been so engaged for five years
19 preceding appointment, the last two of which shall

20 have been in Iowa. Professional associations or
 21 societies composed of certified public accountants or
 22 composed of licensed accounting practitioners may
 23 recommend the names of potential board members to the
 24 governor. However, the governor is not bound by the
 25 recommendations. A board member shall not be required
 26 to be a member of any professional association or
 27 society composed of certified public accountants or
 28 licensed accounting practitioners. Members; ~~except~~
 29 ~~the member from the accounting practitioner advisory~~
 30 ~~council~~; shall be appointed by the governor to
 31 staggered terms, subject to confirmation by the
 32 senate. ~~The board member from the accounting~~
 33 ~~practitioner advisory council shall serve a one-year~~
 34 ~~term and must be the most senior member of the~~
 35 ~~accounting practitioner advisory council who has not~~
 36 ~~served a term on the board in the previous two years.~~
 37 As used in this chapter, "board" means the
 38 accountancy examining board established by this
 39 section. Upon the expiration of each of the terms and
 40 of each succeeding term, ~~except that of the member~~
 41 ~~from the accounting practitioner advisory council~~; a
 42 successor shall be appointed for a term of three years
 43 beginning and ending as provided in section 69.19.
 44 Members; ~~except the member from the accounting~~
 45 ~~practitioner advisory council~~; shall serve a maximum
 46 of three terms or nine years, whichever is less.
 47 Vacancies occurring in the membership of the board for
 48 any cause shall be filled in the same manner as
 49 original appointments are made by the governor, for
 50 the unexpired term and subject to senate confirmation.

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1 The public members of the board shall be allowed to
 2 participate in administrative, clerical, or
 3 ministerial functions incident to giving the
 4 examination, but shall not determine the content of
 5 the examination or determine the correctness of the
 6 answers.

7 Sec. 2. Section 116.8, Code 1989, is amended by
 8 striking the section and inserting in lieu thereof the
 9 following:

10 116.8 REQUIREMENTS FOR ACCOUNTING PRACTITIONERS.

11 An applicant not meeting the requirements of
 12 section 116.7 shall be granted a license if the
 13 applicant is an enrolled agent entitled to practice
 14 before the United States internal revenue service,
 15 passes a written examination prescribed by the board,
 16 and submits evidence to the board that the applicant

17 meets any of the following requirements:

18 1. The applicant is a graduate of a four-year
19 college or university accredited by the north central
20 accreditation association, or other regional
21 accreditation association having equivalent standards,
22 with a major in business, and has at least one year of
23 actual experience in practice as an accounting
24 practitioner either as an employee of a certified
25 public accountant or licensed accounting practitioner
26 or as an accounting practitioner performing accounting
27 services and preparation of tax returns in a self-
28 employed status.

29 2. The applicant is a graduate of a two-year
30 institution of higher education with a degree in
31 business and the applicant has at least three years of
32 actual experience in practice as an accounting
33 practitioner either as an employee of a certified
34 public accountant or licensed accounting practitioner
35 or as an accounting practitioner performing accounting
36 services and preparation of tax returns in a self-
37 employed status.

38 3. The applicant has passed an examination in
39 accounting administered by the accreditation council
40 for accountancy and the applicant has at least four
41 years of actual experience in practice as an
42 accounting practitioner either as an employee of a
43 certified public accountant or licensed accounting
44 practitioner or as an accounting practitioner
45 performing accounting services and preparation of tax
46 returns in a self-employed status.

47 Sec. 3. Section 116.11, unnumbered paragraph 6,
48 Code 1989, is amended to read as follows:

49 ~~Every~~ An applicant successfully passing all
50 subjects in which examined shall be granted and issued

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1 a license as an accounting practitioner by the board.
2 The cost of the license shall be based upon the
3 administrative costs of the board ~~and advisory~~
4 ~~committee~~ and the costs of issuing the license.

5 Sec. 4. Section 116.9, Code 1989, is repealed.

6 Sec. 5. The term of office of the member of the
7 accountancy board who represents the advisory council
8 shall expire June 30, 1989. The term of office of the
9 member of the board who is a licensed accounting
10 practitioner shall commence July 1, 1989, and expire
11 April 30, 1992."

EUGENE FRAISE

S-3653

- 1 Amend the amendment, S-3109, to House File 88 as
- 2 passed by the House as follows:
- 3 1. Page 1, by striking lines 3 through 5.

JOHN P. KIBBIE

HOUSE AMENDMENT TO
SENATE FILE 117

S-3654

- 1 Amend Senate File 117, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 31, by striking the words
- 4 "chapter, for" and inserting the following: "chapter,
- 5 the department shall consider".
- 6 2. Page 1, by striking line 34 through page 2,
- 7 line 2 and inserting the following: "spouse on or
- 8 after July 1, 1989, as provided under the federal
- 9 Social Security Act, section 1917(c), as codified in
- 10 42 U.S.C. § 1396p(c), as amended."
- 11 3. Page 2, line 5, by inserting after the word
- 12 "or" the following: "a resident who".
- 13 4. Page 2, by striking line 6 and inserting the
- 14 following: "qualified Medicare beneficiary as defined
- 15 under".

HOUSE AMENDMENT TO
SENATE FILE 231

S-3655

- 1 Amend Senate File 231 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. NEW SECTION. 476.75 ALTERNATIVE
- 6 OPERATOR SERVICES.
- 7 1. DEFINITIONS. As used in this section, unless
- 8 the context otherwise requires:
- 9 a. "Alternative operator services company" means a
- 10 nongovernmental company which receives more than half
- 11 of its Iowa intrastate telecommunications services
- 12 revenues from calls placed by end-user customers from
- 13 telephones other than ordinary residence or business

14 telephones. The definition is further limited to
15 include only companies which provide operator
16 assistance, either through live or automated
17 intervention, on calls placed from other than ordinary
18 residence or business telephones, and does not include
19 services provided under contract to rate-regulated
20 local exchange utilities.

21 b. "Contracting entity" means an entity providing
22 telephones other than ordinary residence or business
23 telephones for use by end-user customers which has
24 contracted with an alternative operator services
25 company to provide telecommunications services to
26 those telephones.

27 c. "End-user customer" means a person who places a
28 local or toll call.

29 d. "Other than ordinary residence or business
30 telephones" means telephones other than the residence
31 or business telephones of the customary users of the
32 telephones, including but not limited to pay
33 telephones and telephones in motel, hotel, hospital,
34 and college dormitory rooms.

35 2. JURISDICTION. Notwithstanding any finding by
36 the board that a service or facility is subject to
37 competition and should be deregulated pursuant to
38 section 476.1, all intrastate telecommunications
39 services provided by alternative operator services
40 companies to end-user customers, using other than
41 ordinary residence or business telephones, are subject
42 to the jurisdiction of the board and shall be rendered
43 pursuant to tariffs approved by the board.
44 Alternative operator services companies shall be
45 subject to all requirements and sanctions provided in
46 this chapter. Contracting entities shall be subject
47 to the requirements of any board regulations
48 concerning telecommunications services provided by
49 alternative operator services companies.

50 3. REQUIREMENTS. The board shall adopt and

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1 enforce requirements for the provision of services by
2 alternative operator services companies and
3 contracting entities.

4 4. BILLING BY LOCAL EXCHANGE UTILITIES.
5 Notwithstanding any finding by the board that a
6 service or facility is subject to competition and
7 should be deregulated pursuant to section 476.1, a
8 regulated local exchange utility shall not perform
9 billing and collection functions relating to regulated
10 telecommunications services provided by an alternative

11 operator services company, unless the alternative
12 operator services company has filed a statement with
13 the local exchange utility signed by a corporate
14 officer, or other authorized person having personal
15 knowledge, that all regulated telecommunications
16 services to be billed shall be rendered pursuant to
17 tariffs approved by the board.

18 Sec. 2. This Act, being deemed of immediate
19 importance, takes effect upon enactment.”

20 2. Title page, by striking line 2 and inserting
21 the following: “, making civil penalties applicable,
22 and providing for an effective date”.

S-3656

1 Amend Senate File 370 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 “Section 1. Section 116.3, subsection 1,
5 unnumbered paragraphs 1 and 2, Code 1989, are amended
6 to read as follows:

7 An accountancy examining board is created within
8 the professional licensing and regulation division of
9 the department of commerce. The board consists of
10 eight members, five of whom shall be certified public
11 accountants, one of whom shall be ~~from the a licensed~~
12 ~~accounting practitioner advisory council~~, and two of
13 whom shall not be certified public accountants or
14 licensed accounting practitioners and ~~who~~ shall
15 represent the general public. A certified or licensed
16 member shall be actively engaged in practice as a
17 certified public accountant or accounting practitioner
18 and shall have been so engaged for five years
19 preceding appointment, the last two of which shall
20 have been in Iowa. Professional associations or
21 societies composed of certified public accountants or
22 licensed accounting practitioners may recommend the
23 names of potential board members to the governor.
24 However, the governor is not bound by the
25 recommendations. A board member shall not be required
26 to be a member of any professional association or
27 society composed of certified public accountants or
28 licensed accounting practitioners. ~~Members, except~~
29 ~~the member from the accounting practitioner advisory~~
30 ~~council~~, shall be appointed by the governor to
31 staggered terms, subject to confirmation by the
32 senate. ~~The board member from the accounting~~
33 ~~practitioner advisory council shall serve a one-year~~
34 ~~term and must be the most senior member of the~~

35 ~~accounting practitioner advisory council who has not~~
36 ~~served a term on the board in the previous two years.~~
37 As used in this chapter, "board" means the
38 accountancy examining board established by this
39 section. Upon the expiration of each of the terms and
40 of each succeeding term, except that of the member
41 from the accounting practitioner advisory council, a
42 successor shall be appointed for a term of three years
43 beginning and ending as provided in section 69.19.
44 Members, ~~except the member from the accounting~~
45 ~~practitioner advisory council,~~ shall serve a maximum
46 of three terms or nine years, whichever is less.
47 Vacancies occurring in the membership of the board for
48 any cause shall be filled in the same manner as
49 original appointments are made by the governor, for
50 the unexpired term and subject to senate confirmation.

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1 The public members of the board shall be allowed to
2 participate in administrative, clerical, or
3 ministerial functions incident to giving the
4 examination, but shall not determine the content of
5 the examination or determine the correctness of the
6 answers.
7 Sec. 2. Section 116.11, unnumbered paragraph 3,
8 Code 1989, is amended by striking the paragraph and
9 inserting in lieu thereof the following:
10 The examination shall be prescribed by the board
11 and shall be designed and given in a manner as to
12 fairly test the applicant's knowledge of accounting.
13 The examination shall not include questions relating
14 to the subject of auditing.
15 Sec. 3. Section 116.9, Code 1989, is repealed.
16 Sec. 4. The term of office of the member of the
17 accountancy board who represents the advisory council
18 shall expire June 30, 1989. The term of office of the
19 member of the board who is a licensed accounting
20 practitioner shall commence July 1, 1989, and expire
21 April 30, 1992."

EUGENE FRAISE

S-3657

1 Amend House File 740, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 28, by striking the words "or
4 possesses".

5 2. Page 2, by inserting after line 32 the
6 following:
7 "4. A person who knowingly possesses a negative,
8 slide, book, magazine, or other print or visual medium
9 depicting a minor engaging in a prohibited sexual act
10 or the simulation of a prohibited sexual act commits a
11 simple misdemeanor."

LINN FUHRMAN

S-3658

1 Amend House File 740, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking page 1, line 20, through page 2,
4 line 5, and inserting the following:
5 "Sec. ____ . Section 728.4, Code 1989, is amended by
6 striking the section and inserting in lieu thereof the
7 following:
8 728.4 RENTAL OR SALE OF HARD CORE PORNOGRAPHY.
9 A person who knowingly rents, sells, or offers for
10 rental or sale material depicting a sex act involving
11 sadomasochistic abuse, excretory functions, or
12 bestiality, commits an aggravated misdemeanor, if the
13 material meets all of the following conditions:
14 1. The average adult, applying contemporary
15 statewide standards, would find that, taken as a
16 whole, the material appeals to the prurient interest
17 in sex and is patently offensive.
18 2. The material, taken as a whole, lacks serious
19 literary, scientific, political, or artistic value.
20 Charges under this section may only be brought by a
21 county attorney or by the attorney general."

LINN FUHRMAN

S-3659

1 Amend the amendment, S-3495, to House File 140, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, line 14, by inserting after the word
5 "equipment." the following: "However, as a condition
6 of a loan involving production of broiler chickens,
7 the applicant must not be subject to a contract
8 relating to the care and feeding of the chickens on
9 behalf of a person who alone or in conjunction with
10 others, directly or through contract, controls the

11 manufacturing, processing, preparation for sale, or
12 sale of poultry or poultry products having a total
13 annual wholesale value of three million dollars or
14 more."

JIM RIORDAN
BEVERLY A. HANNON
ELAINE SZYMONIAK
ALVIN MILLER
BOB CARR

S-3660

1 Amend the amendment, S-3495, to House File 140 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 1, line 4, by striking the word "poultry"
4 and inserting the following: "broilers".
5 2. Page 1, line 7, by striking the word "poultry"
6 and inserting the following: "broilers".
7 3. Page 1, line 10, by striking the word
8 "poultry" and inserting the following: "broiler".
9 4. Page 1, line 13, by striking the word
10 "poultry" and inserting the following: "broiler".

RICHARD VANDE HOEF

HOUSE AMENDMENT TO
SENATE FILE 223

S-3661

1 Amend Senate File 223, 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. STATEMENT OF GOALS. It is the goal of
6 the general assembly to ensure that early childhood
7 educational opportunities are available to meet the
8 needs of all children in this state. A coordinated
9 early childhood education delivery system is
10 established to meet this goal. This coordinated
11 system will involve the participation of parents,
12 communities, school districts, and other government
13 agencies and will allow each school district to adopt
14 the program which is best suited to the needs of the
15 community. Appropriately certified or licensed
16 personnel will staff these programs. These programs
17 will use both local and state resources and expertise.

18 Suitable instructional materials, curricula, and staff
19 should be made available to meet the needs of children
20 with developmental deficiencies and those with special
21 needs, in addition to those needed to fulfill the
22 needs of all children and families of the community.

23 Sec. 2. Section 234.6, Code 1989, is amended by
24 adding the following new subsections:

25 NEW SUBSECTION. 8. Provide consulting and
26 technical services to the director of the department
27 of education, or the director's designee, upon
28 request, relating to kindergarten, and before and
29 after school programming and facilities.

30 NEW SUBSECTION. 9. Recommend rules for their
31 adoption by the council of human services for before
32 and after school child care programs, conducted within
33 and by or contracted for by school districts, that are
34 appropriate for the ages of the children who receive
35 services under the programs.

36 Sec. 3. Section 237A.1, subsection 7, paragraph a,
37 Code 1989, is amended to read as follows:

38 a. An instructional program administered by a
39 public or nonpublic school system ~~approved or~~
40 accredited by the department of education or the state
41 board of regents, ~~except a before or after school~~
42 program provided under section 279.49.

43 Sec. 4. Section 237A.22, Code 1989, is amended by
44 adding the following new subsection:

45 NEW SUBSECTION. 4. Advise and provide technical
46 services to the director of the department of
47 education or the director's designee, upon request,
48 relating to kindergarten, and before and after school
49 programming and facilities.

50 Sec. 5. Section 256.7, Code 1989, is amended by

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1 adding the following new subsections:

2 NEW SUBSECTION. 13. By July 1, 1990, adopt rules
3 establishing early childhood and early elementary
4 certification or endorsement standards for teachers,
5 elementary school principals, licensed child care
6 providers, and administrators who work with children
7 from birth through eight years of age.

8 NEW SUBSECTION. 14. Prescribe guidelines for
9 facility standards, maximum class sizes, and maximum
10 in classroom pupil-teacher and teacher-aide ratios for
11 grades kindergarten through three and before and after
12 school and summer child care programs provided under
13 the direction of a school district. Guidelines for
14 programs shall include the definition of "at-risk

15 children" adopted by the child development
16 coordinating council and shall not be less stringent
17 than the guidelines established by that council for
18 comprehensive early child development services for at-
19 risk children.

20 Sec. 6. Section 256.9, Code 1989, is amended by
21 adding the following new subsections:

22 NEW SUBSECTION. 35. Develop standards and
23 instructional materials to do all of the following:

24 a. Assist school districts in developing
25 appropriate before and after school programs for
26 elementary school children.

27 b. Assist school districts in the development of
28 child care services and programs to complement half-
29 day and all-day kindergarten programs.

30 c. Assist school districts in the development of
31 appropriate curricula for all-day, everyday
32 kindergarten programs.

33 d. Assist school districts in the development of
34 appropriate curricula for the early elementary grades
35 one through three.

36 Standards and materials developed shall include
37 materials which employ developmentally appropriate
38 practices and incorporate substantial parental
39 involvement. The materials and standards shall
40 include alternative teaching approaches including
41 collaborative teaching and alternative dispute
42 resolution training. The department shall consult
43 with the child development coordinating council, the
44 state day care advisory committee, the department of
45 human services, the state board of regents center for
46 early developmental education, the area education
47 agencies, the department of child development in the
48 college of family and consumer sciences at Iowa state
49 university of science and technology, the early
50 childhood elementary division of the college of

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1 education at the university of Iowa, and the college
2 of education at the university of northern Iowa, in
3 developing these standards and materials.
4 For purposes of this section "substantial parental
5 involvement" means the physical presence of parents in
6 the classroom, learning experiences designed to
7 enhance the skills of parents in parenting and in
8 providing for their children's learning and
9 development, or educational materials which may be
10 borrowed for home use.

11 NEW SUBSECTION. 36. By July 1, 1990, develop or

12 direct the area education agencies to develop, a
 13 statewide technical assistance support network to
 14 provide school districts, or district subcontractors
 15 under section 279.49, with assistance in creating
 16 developmentally appropriate programs under section
 17 279.49.

18 NEW SUBSECTION. 37. Administer and approve grants
 19 to school districts which provide innovative in-school
 20 programming for at-risk children in grades
 21 kindergarten through three, in addition to regular
 22 school curricula for children participating in the
 23 program, with the funds for the grants being
 24 appropriated for at-risk children by the general
 25 assembly. Grants approved shall be for programs in
 26 schools with a high percentage of at-risk children.
 27 Preference shall be given to programs which integrate
 28 at-risk children with the rest of the school
 29 population, which agree to limit class size and pupil-
 30 teacher ratios, which include parental involvement and
 31 teachers with an early childhood endorsement, and
 32 which cooperate with other health and community
 33 agencies.

34 Sec. 7. Section 256A.2, unnumbered paragraph 2,
 35 Code 1989, is amended to read as follows:
 36 Staff assistance for the council shall be provided
 37 jointly by the department of education and the
 38 division of children, youth, and families of the
 39 department of human rights. Members of the council
 40 shall be reimbursed for actual and necessary expenses
 41 incurred while engaged in their official duties and
 42 shall receive per diem compensation at the level
 43 authorized under section 7E.6.

44 Sec. 8. Section 256A.3, subsection 4, Code 1989,
 45 is amended to read as follows:
 46 4. Make recommendations to the department of
 47 education and the general assembly regarding
 48 appropriate curricula and staff qualifications and
 49 training for early elementary education, ~~and the~~
 50 coordination of the curricula with ~~early child~~

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1 development programs, and the development of an at-
 2 risk children definition for use in school-district-
 3 sponsored early elementary and before and after school
 4 child care programs.

5 Sec. 9. Section 256A.3, subsection 5, paragraph e,
 6 Code 1989, is amended to read as follows:
 7 e. The degree to which the program involves and
 8 works with the parents, and includes home visits,

9 ~~optional parental~~ instruction for parents on parenting
10 and tutoring skills, on enhancement of skills in
11 providing for their children's learning and
12 development, and the physical, mental, and emotional
13 development of children, and experiential education.

14 Sec. 10. Section 279.49, Code 1989, is amended by
15 striking the section and inserting in lieu thereof the
16 following:

17 279.49 ALL-DAY, EVERYDAY KINDERGARTEN OR CHILD DAY
18 CARE PROGRAMS.

19 The board of directors of a school corporation may
20 operate or contract for the operation of a program to
21 provide child day care to children not enrolled in
22 school or to students enrolled in kindergarten through
23 grade six before and after school, or to both. The
24 person employed to be responsible for a program
25 operated by a board shall be an appropriately
26 certificated teacher under chapter 260 or the program
27 operated by contract with the board shall be licensed
28 as a child care center under chapter 237A. The board
29 shall require the employment of adequate personnel for
30 a program to meet the personnel standards adopted by
31 the state board of education, pursuant to section
32 256.7, subsections 13 and 14, or the department of
33 human services, pursuant to section 237A.12,
34 subsection 1.

35 If the child day care program contracted for or
36 operated by a board also provides child day care to
37 children under the age of six, the district shall also
38 require the employment of a certificated person with
39 an appropriate prekindergarten certification or
40 endorsement in the program.

41 The board may establish a fee for the cost of
42 participation in a before and after school program.
43 The fee shall be established pursuant to a sliding fee
44 schedule based upon staffing costs and other expenses
45 and a family's ability to pay. If a fee is
46 established, the parent or guardian of a child
47 participating in a program shall be responsible for
48 payment of any agreed upon fee. The board may require
49 the parent or guardian to furnish transportation of
50 the child.

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1 The board may utilize or make application for
2 program subsidies from any existing day care funding
3 streams.

4 Programs established under this section for before
5 and after school child day care shall include, but are

6 not limited to, parental involvement in program design
7 and direction, activities designed to detect
8 children's physical, mental, and emotional
9 development, and a parental education component to
10 educate parents about the physical, mental, and
11 emotional development of children.

12 Sec. 11. LOCAL EARLY CHILDHOOD EDUCATION
13 COMMITTEES. The boards of the local school districts
14 shall by October 1, 1989, assemble and supervise
15 committees in their respective communities to review
16 the need for all-day, everyday kindergarten, before
17 and after school child care, and child care during
18 school holidays and vacations. The committees shall
19 also consider the need for additional prekindergarten
20 programs for at-risk children. As much as is
21 possible, the committee members shall include, but are
22 not limited to, representatives of local businesses,
23 service organizations, educators, head start
24 educators, parents, private child care providers,
25 county home extension economists, area education
26 agencies, the school board, and the community
27 education advisory board, and persons knowledgeable
28 about developmentally appropriate learning. The
29 committee shall hold hearings, and solicit comments
30 from community preschool and day care providers, and
31 report to the state board of education by October 1,
32 1990, regarding the committee's recommendations on the
33 establishment of child-care programs and curricula. A
34 copy of the report shall also be filed with the
35 secretary of the local school district. A summary of
36 any oral, or copies of any written comments made by
37 local preschool or child care providers shall be
38 attached to the reports.

39 Sec. 12. REVIEW AND RECOMMENDATIONS. The child
40 development coordinating council, established under
41 chapter 256A, shall review existing entities providing
42 technical assistance and program development support
43 to early childhood programs, including, but not
44 limited to, resource and referral centers, the county
45 home extension service, and area education agencies.
46 By January 1, 1990, the council shall provide
47 recommendations in a report to the general assembly on
48 the use of existing entities and resources and the
49 development of additional resources to provide
50 assistance in program development for all types of

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1 early childhood programs, including, but not limited
2 to, prekindergarten programs, licensed child care

3 centers, registered family day care homes, and
4 unregistered family day care homes.
5 Sec. 13. Section 10 of this Act is effective
6 January 1, 1992.”
7 2. Title page, line 1, by inserting after the
8 word “childhood” the following: “and kindergarten”.

S-3662

1 Amend the amendment, S-3634 to House File 250, as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 1, by striking lines 10 through 12 and
5 inserting the following: “Planning for this project
6 shall be completed and data collection shall commence
7 no later than January 1, 1991.”

RAY TAYLOR
RICHARD RUNNING

S-3663

1 Amend House File 29, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 25 the
4 following:
5 “Sec. ____ . Section 96.5, subsection 3, paragraph
6 a, Code 1989, is amended to read as follows:
7 a. In determining whether or not any work is
8 suitable for an individual, the division shall
9 consider the degree of risk involved to the
10 individual’s health, safety, and morals, the
11 individual’s physical fitness, prior training, length
12 of unemployment, and prospects for securing local work
13 in the individual’s customary occupation, the distance
14 of the available work from the individual’s residence,
15 and any other factor which the division finds bears a
16 reasonable relation to the purposes of this paragraph.
17 Work is suitable if the work meets all the other
18 criteria of this paragraph and if the gross weekly
19 wages for the work equal or exceed the following
20 percentages of the individual’s average weekly wage
21 for insured work paid to the individual during that
22 quarter of the individual’s base period in which the
23 individual’s wages were highest:
24 (1) One hundred percent, if the work is offered
25 during the first ~~five~~ three weeks of unemployment.
26 (2) Seventy-five percent, if the work is offered

27 during the ~~sixth fourth~~ through the ~~twelfth sixth~~ week
28 of unemployment.

29 (3) Seventy percent, if the work is offered during
30 the ~~thirteenth seventh~~ through the ~~eighteenth tenth~~
31 week of unemployment.

32 (4) Sixty-five percent, if the work is offered
33 after the ~~eighteenth tenth~~ week of unemployment.
34 However, the provisions of this paragraph shall not
35 require an individual to accept employment below the
36 federal minimum wage, unless the net take-home pay
37 from the employment equals or exceeds the individual's
38 weekly benefit amount."

39 2. Title page, line 2, by inserting after the
40 word "overpayments" the following: "and the
41 definition of suitable work for purposes of qualifying
42 for unemployment compensation benefits".

43 3. By renumbering as necessary.

CALVIN O. HULTMAN

S-3664

1 Amend House File 700, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, by striking lines 19 and 20 and
4 inserting the following: "court shall make all of the
5 presentence investigation report available to the
6 defendant's".

7 2. Page 4, by inserting after line 3 the
8 following:

9 "Sec. ____ . Section 906.5, Code 1989, is amended to
10 read as follows:

11 906.5 RECORD REVIEWED -- RULES.

12 1. Within one year after the commitment of a
13 person other than a class "A" felon, class "B" felon
14 convicted of murder in the second degree and serving a
15 sentence of more than twenty-five years, or a felon
16 -serving a mandatory minimum sentence, other than a
17 class "A" felon, to the custody of the director of the
18 Iowa department of corrections, a member of the board
19 shall interview the person. Thereafter, at regular
20 intervals, not to exceed one year, the board shall
21 interview the person and consider the person's
22 prospects for parole or work release. However, if the
23 registration of a victim prohibits conducting a timely
24 interview as provided in this subsection, the
25 interview may be conducted within a reasonable period
26 of time after the one-year period or interval has
27 expired in order to provide the victim notice as

28 provided in section 910A.10, subsection 1, paragraph
29 "a".
30 Not less than twenty days prior to conducting a
31 hearing at which the board will interview the person,
32 the board shall notify the department of corrections
33 of the scheduling of the interview, and the department
34 shall make the person available to the board at the
35 person's institutional residence as scheduled in the
36 notice. However, if health, safety, or security
37 conditions require moving the person to another
38 institution or facility prior to the scheduled
39 interview, the department of corrections shall so
40 notify the board.
41 2. At the time of an interview required under this
42 section, the board shall consider all pertinent
43 information regarding the person, including the
44 circumstances of the person's offense, any presentence
45 report which is available, the previous social history
46 and criminal record of the person, the person's
47 conduct, work, and attitude in prison, and the reports
48 of physical and mental examinations that have been
49 made.
50 3. A person while on parole or work release is

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1 under the supervision of the district department of
2 correctional services of the district designated by
3 the board of parole. The department of corrections
4 shall prescribe rules for governing persons on parole
5 or work release. The board may adopt other rules not
6 inconsistent with the rules of the department of
7 corrections as the board deems proper or necessary for
8 the performance of its functions.
9 Sec. ____ . Section 908.4, Code 1989, is amended to
10 read as follows:
11 908.4 PAROLE REVOCATION HEARING.
12 The parole revocation hearing shall be conducted by
13 ~~a~~ an administrative parole revocation officer judge
14 who is an attorney appointed pursuant to section
15 904A.5. The revocation hearing shall determine the
16 following:
17 1. Whether the alleged parole violation occurred.
18 2. Whether the violator's parole should be
19 revoked.
20 The administrative parole revocation officer judge
21 shall make a verbatim record of the proceedings. The
22 alleged violator shall be informed of the evidence
23 against the violator, shall be given an opportunity to
24 be heard, shall have the right to present witnesses

25 and other evidence, and shall have the right to cross-
 26 examine adverse witnesses, except if the ~~revocation~~
 27 ~~officer judge~~ finds that a witness would be subjected
 28 to risk or harm if the witness' identity were
 29 disclosed. The revocation hearing may be conducted
 30 electronically.

31 Sec. ____ . Section 908.5, Code 1989, is amended by
 32 striking the section and inserting in lieu thereof the
 33 following:

34 908.5 DISPOSITION.

35 If a violation of parole is established, the
 36 administrative parole judge may continue the parole
 37 with or without any modification of the conditions of
 38 parole. The administrative parole judge may revoke
 39 the parole and require the parolee to serve the
 40 sentence originally imposed, or may revoke the parole
 41 and reinstate the parolee's work release status. The
 42 order of the administrative parole judge shall contain
 43 findings of fact, conclusions of law, and a
 44 disposition of the matter.

45 Sec. ____ . Section 908.6, Code 1989, is amended to
 46 read as follows:

47 908.6 APPEAL OR REVIEW.

48 The order of the administrative parole ~~revocation~~
 49 ~~officer judge~~ shall become the final decision of the
 50 board of parole unless, within the time provided by

Page 3

1 rule, the parole violator appeals the decision or a
 2 panel of the board reviews the decision on its own
 3 motion. On appeal or review of the administrative
 4 parole ~~revocation officer's judge's~~ decision, the
 5 board panel has all the power which it would have in
 6 initially making the revocation hearing decision. The
 7 appeal or review shall be conducted pursuant to rules
 8 adopted by the board of parole. The record on appeal
 9 or review shall be the record made at the parole
 10 revocation hearing conducted by the administrative
 11 parole ~~revocation officer judge~~.

12 Sec. ____ . Section 908.7, Code 1989, is amended to
 13 read as follows:

14 908.7 WAIVER OF PAROLE REVOCATION HEARING.

15 The alleged parole violator may waive the parole
 16 revocation hearing, in which event the administrative
 17 parole ~~revocation officer judge~~ shall proceed to
 18 determine the disposition of the matter. The
 19 administrative parole ~~revocation officer judge~~ shall
 20 dispose of the case as provided in section 908.4. The
 21 administrative parole ~~revocation officer judge~~ shall

22 make a verbatim record of the proceedings. The waiver
23 proceeding may be conducted electronically.

24 Sec. ____ . Section 908.10, Code 1989, is amended by
25 striking the section and inserting in lieu thereof the
26 following:

27 **908.10 CONVICTION OF A FELONY WHILE ON PAROLE.**

28 When a person is convicted and sentenced to
29 incarceration in this state for a felony committed
30 while on parole, or is convicted and sentenced to
31 incarceration under the laws of any other state of the
32 United States or a foreign government or country for
33 an offense committed while on parole, and which if
34 committed in this state would be a felony, the
35 person's parole shall be deemed revoked as of the date
36 of the commission of the new felony offense.

37 The parole officer shall inform the sentencing
38 judge that the convicted defendant is a parole
39 violator. The term for which the defendant shall be
40 imprisoned as a parole violator shall be the same as
41 that provided in cases of revocation of parole for
42 violation of the conditions of parole. The new
43 sentence of imprisonment for conviction of a felony
44 shall be served consecutively with the term imposed
45 for the parole violation, unless a concurrent term of
46 imprisonment is ordered by the court.

47 The parolee shall be notified in writing that
48 parole has been revoked on the basis of the new felony
49 conviction, and a copy of the commitment order shall
50 accompany the notification. The inmate's record shall

Page 4

1 be reviewed pursuant to the provisions of section
2 906.5, or as soon as practical after a final reversal
3 of the new felony conviction.

4 An inmate may appeal the revocation of parole under
5 this section according to the board of parole's rules
6 relating to parole revocation appeals. Neither the
7 administrative parole judge nor the board panel shall
8 retry the facts underlying any conviction."

9 3. By striking page 4, line 34 through page 5,
10 line 1 and inserting the following: "orders of the
11 case in which the victim was involved ~~and may advise~~
12 ~~the victim of any other orders regarding custody or~~
13 ~~confinement."~~

14 4. Page 5, by striking lines 2 through 6.

15 5. Title page, by striking line 1 and inserting
16 the following: "An Act relating to criminal offenses,
17 by providing for review of an offender's record,
18 revocation of an offender's parole,".

- 19 6. Title page, line 2, by striking the word
 20 "for".
 21 7. By renumbering as necessary.

DONALD V. DOYLE
 EUGENE FRAISE
 BOB CARR
 MICHAEL E. GRONSTAL

S-3665

- 1 Amend House File 477 as amended, passed and reprinted
 2 by the House as follows:
 3 1. Page 9, by striking lines 2 through 8.

DALE L. TIEDEN

S-3666

- 1 Amend House File 250 as amended, passed, and reprinted
 2 by the House as follows:
 3 1. Page 2, line 25, by striking the words "general
 4 and special damages.".

LINN FUHRMAN

S-3667

- 1 Amend House File 572, as passed by the House, as
 2 follows:
 3 1. Page 1, by striking line 8 and inserting the
 4 following: "concerned receiving the fine resulting
 5 from use of the citation and complaint".

NORMAN J. GOODWIN

S-3668

- 1 Amend House File 465, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 1, by striking lines 1 through 15.
 4 2. By renumbering sections.

ALVIN V. MILLER
 EUGENE FRAISE
 MAGGIE TINSMAN

ELAINE SZYMONIAK
RICHARD VANDEHOEF

S-3669

- 1 Amend House File 723, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 12, line 25, by inserting after the word
4 "control." the following: "Spraying for control of
5 weeds shall be limited to those circumstances when it
6 is not possible to mow or otherwise control the
7 weeds."
8 2. Page 12, line 34, by striking the words
9 "Nothing herein" and inserting the following:
10 "Spraying for control of noxious weeds shall be
11 limited to those circumstances when it is not possible
12 to mow or otherwise control the noxious weeds.
13 PARAGRAPH DIVIDED. Nothing herein under this
14 chapter."
15 3. Page 13, line 15, by inserting after the word
16 "chapter." the following: "The program for weed
17 control ordered or adopted by the county board of
18 supervisors shall provide that spraying for control of
19 weeds shall be limited to those circumstances when it
20 is not possible to mow or otherwise control the
21 weeds."
22 4. Page 13, line 34, by inserting after the word
23 "plan." the following: "The order shall provide that
24 spraying for control of noxious weeds shall be limited
25 to those circumstances when it is not possible to mow
26 or otherwise control the weeds."
27 5. Page 14, line 9, by inserting after the word
28 "plan." the following: "The moneys appropriated shall
29 not be spent on spraying for control of weeds except
30 in those circumstances when it is not possible to mow
31 or otherwise control the weeds."

JOHN W. JENSEN
JEAN LLOYD-JONES

S-3670

- 1 Amend the amendment, S-3576, to House File 713, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 36 the follow-
5 ing:
6 " ____ . Page 1, by striking lines 30 and 31 and in-

7 serting the following: "the environmental protection
8 commission."
9 ____ . Page 1, by striking lines 33 through 35 and
10 inserting the following: "decision of the natural re-
11 source commission or the environmental protection com-
12 mission if the environmental".
13 ____ . Page 2, by striking lines 5 through 7 and
14 inserting the following: "commission or the environ-
15 mental protection commission which has an impact on
16 the environment of the state."
17 2. Page 1, by inserting after line 41 the fol-
18 lowing:
19 "____ . Page 2, lines 17 and 18, by striking the
20 words "any judicial proceeding or".
21 ____ . Page 2, by striking lines 19 and 20 and in-
22 serting the following: "natural resource commission
23 or the environmental protection commission, which has
24 an impact on".
25 3. Page 2, by inserting after line 5 the fol-
26 lowing:
27 "____ . By striking page 2, line 34, through page
28 3, line 2, and inserting the following:
29 "responsibilities of the office. Employees of".
30 ____ . Page 3, by striking lines 12 through 14 and
31 inserting the following: "in proceedings before the
32 natural resource commission or the environmental
33 protection commission, which has an impact on the
34 environment of the state and".
35 ____ . Page 3, line 17, by striking the words "or
36 governmental agency".

JACK RIFE

S-3671

1 Amend the amendment, S-3576, to House File 713, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 23 the
5 following:
6 "____ . Page 1, line 4, by striking the word
7 "select" and inserting the following: "recommend".
8 2. Page 1, by striking lines 24 through 26 and
9 inserting the following:
10 "____ . Page 1, lines 4 and 5, by striking the
11 words "attorney general for appointment to" and
12 inserting the following: "governor for consideration
13 for".

ALVIN V. MILLER
PAUL D. PATE

S-3672

1 Amend House File 740 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 4, line 15, by inserting after the word
4 "felonies." the following: "As used in this
5 subsection, a "person" excludes any information-access
6 service provider that merely provides transmission
7 capacity without control over the content of the
8 transmission."

DONALD V. DOYLE

S-3673

1 Amend Senate File 514 as follows:
2 1. Page 1, by inserting after line 18, the
3 following:
4 "f. Area agencies on aging."

EMIL HUSAK
AL STURGEON
MAGGIE TINSMAN
NORMAN GOODWIN

S-3674

1 Amend House File 522, 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 43.78, subsection 4, Code
6 1989, is amended to read as follows:
7 4. Political party candidates for a vacant seat in
8 the United States house of representatives, the board
9 of supervisors, the elected county offices, or the
10 general assembly which is to be filled at a special
11 election called pursuant to section 69.14 or 69.14A
12 shall be nominated in the manner provided by
13 subsection 1 of this section for filling a vacancy on
14 the general election ballot for the same office. The
15 name of any candidate so nominated shall be submitted
16 in writing to the state commissioner, as required by
17 section 43.88, at the earliest practicable time.
18 Sec. 2. Section 69.8, subsection 3, Code 1989, is

19 amended to read as follows:

20 3. County offices. In county offices, by the
21 board of supervisors, unless an election is called as
22 provided in section 69.14A.

23 Sec. 3. Section 69.8, subsection 4, Code 1989, is
24 amended to read as follows:

25 4. Board of supervisors. In the membership of the
26 board of supervisors, by the treasurer, auditor, and
27 recorder, or as provided in section 69.14A. ~~In the~~
28 ~~event that~~ If any of these offices have been abolished
29 through consolidation, the county attorney shall serve
30 on this committee.

31 Sec. 4. NEW SECTION. 69.14A SPECIAL ELECTION FOR
32 SUPERVISOR VACANCY.

33 The committee of county officers designated to fill
34 a vacancy on the board of supervisors or the board of
35 supervisors to fill a vacancy in an elected county
36 office may call for a special election to fill the
37 vacancy in lieu of appointment if section 69.13,
38 subsection 2, does not apply. The committee or the
39 board shall order the special election not later than
40 ten days from the date that the vacancy exists and
41 give at least thirty days' notice of the election. A
42 special election called under this section shall be
43 held on a Tuesday and shall not be held on the same
44 day as a school election within the county.

45 Sec. 5. Section 331.322, subsection 3, Code 1989,
46 is amended to read as follows:

47 3. Fill vacancies in county offices in accordance
48 with sections 69.8 to ~~69.13~~ 69.14A, and make
49 appointments in accordance with section 69.16 unless a
50 special election is called pursuant to section

Page 2

1 69.14A."

2 2. Title page, line 2, by inserting after the
3 word "supervisors" the following: "or in the elected
4 county offices".

BERL E. PRIEBE
MAGGIE TINSMAN
BOB M. CARR
EUGENE FRAISE

S-3675

- 1 Amend amendment, S-3581, to Senate File 373 as
2 follows:
3 1. Page 6, by striking lines 32 through 49.
4 2. Page 7, line 32, by striking the figures and
5 word “, 476.75, or 476.76” and inserting the word and
6 figure “or 476.75,”.
7 3. By renumbering sections as necessary.

DON E. GETTINGS
H. KAY HEDGE
JACK RIFE

S-3676

- 1 Amend House File 740, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking page 1, line 20, through page 2,
4 line 5, and inserting the following:
5 “Sec. ____ . Section 728.1, Code 1989, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 10. “Violence” means a graphic
8 portrayal of human destruction, dismemberment,
9 maiming, wounding, assault, or death by firearms,
10 knives, swords, other such instruments, or explosives.
11 Sec. ____ . Section 728.4, Code 1989, is amended to
12 read as follows:
13 728.4 RENTAL OR SALE OF HARD CORE PORNOGRAPHY.
14 A person who knowingly rents, sells, or offers for
15 rental or sale material depicting a sex act involving
16 sadomasochistic abuse, excretory functions, or
17 bestiality, which the average adult taking the
18 material as a whole in applying contemporary community
19 standards would find appeals to the prurient interest
20 and is patently offensive; and which material, taken
21 as a whole, lacks serious literary, scientific,
22 political, or artistic value, ~~upon conviction is~~
23 guilty of commits an aggravated misdemeanor. A person
24 who knowingly rents, sells, or offers for rental or
25 sale material depicting violence, which the average
26 adult taking the material as a whole in applying
27 contemporary community standards would find appeals to
28 the violent nature of man and is patently offensive;
29 and which material, taken as a whole, lacks serious
30 literary, scientific, political, or artistic value
31 commits an aggravated misdemeanor.
32 PARAGRAPH DIVIDED. Charges under this section may

33 only be brought by a county attorney or by the
34 attorney general.”

LARRY MURPHY

S-3677

1 Amend the amendment, S-3585, to House File 740, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking lines 3 and 4 and in-
5 serting the following:

6 “___ . By striking page 1, line 20, through page
7 2, line 5, and inserting the following:”

8 2. Page 1, line 5, by striking the word and
9 figure “Section 1.” and inserting the following:

10 “Sec. .”

11 3. Page 1, line 19, by striking the word
12 “general.” and inserting the word “general.””

13 4. Page 1, by striking lines 20 through 26.

LARRY MURPHY

S-3678

1 Amend the amendment, S-3089, to House File 88, as
2 passed by the House, as follows:

DIVISION S—3678A

3 1. Page 1, lines 6 and 7, by striking the words
4 “The nonresident wild turkey hunting license is valid
5 for male turkeys only.”

DIVISION S—3678B

6 2. Page 1, lines 17 and 18, by striking the words
7 “The nonresident deer hunting license is valid for
8 antlered deer only.”

LARRY MURPHY

S-3679

1 Amend House File 201, as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 1, line 16, by inserting after the word

4 “jurisdiction” the following: “, provided that the
5 laws of that jurisdiction do not prohibit the
6 advertising of a lottery legally operated or permitted
7 by this state or the possession by a person within
8 that other jurisdiction of a lottery ticket, part of a
9 ticket, or number of a lottery ticket from a similar
10 or equivalent lottery legally operated or permitted by
11 this state”.

JIM LIND

S-3680

1 Amend the amendment, S-3581, to Senate File 373 as
2 follows:
3 1. Page 6, line 39, by inserting after the word
4 “available” the following: “at reasonable compensation”.

JOE WELSH

S-3681

1 Amend House File 660 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 3, by inserting after the word
4 “surveys” the following: “of retail pump prices”.
5 2. Page 1, line 4, by inserting after the word
6 “fuel” the following: “retail pump”.
7 3. Page 1, line 7, by inserting after the word
8 “surveys” the following: “of retail pump prices”.
9 4. Page 1, line 8, by inserting after the word
10 “fuel” the following: “retail pump”.

WILLIAM D. PALMER

S-3682

1 Amend the amendment, S-3581, to Senate File 373 as
2 follows:
3 1. Page 2, by striking lines 22 through 31, and
4 inserting the following: “or maintenance of such
5 equipment.”

MICHAEL E. GRONSTAL
PAUL PATE

S-3683

- 1 Amend House File 739, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by striking lines 24 and 25 and
 4 inserting the following: "federal funds for airports
 5 which have been classified as commercial service I or
 6 commercial service II airports pursuant to a state
 7 system plan for airports adopted by the state
 8 department of transportation if the entity making the
 9 application files a copy of the application with the
 10 state department of transportation."
 11 2. Title page, line 2, by inserting after the
 12 word "that" the word "certain".

PAUL D. PATE
 JEAN LLOYD-JONES
 DONALD V. DOYLE
 RICHARD RUNNING
 JIM LIND
 JOY CORNING
 ELAINE SZYMONIAK
 WALLY E. HORN

S-3684

- 1 Amend the amendment, S-3580, to House File 343, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by inserting before line 3 the follow-
 5 ing:
 6 "___ . Page 2, lines 6 and 7, by striking the
 7 words "or animal".
 8 ___ . Page 2, line 9, by striking the words "or
 9 animal".
 10 ___ . Page 2, line 11, by striking the words "or
 11 animal".
 12 ___ . Page 2, lines 21 and 22, by striking the
 13 words "or animal".
 14 ___ . Page 2, line 24, by striking the words "or
 15 animal".
 16 ___ . Page 3, by striking lines 6 through 8.
 17 ___ . Page 3, line 10, by striking the words
 18 "except a new animal drug."
 19 ___ . Page 3, line 20, by striking the words
 20 "except a new animal drug."
 21 ___ . Page 4, line 4, by striking the words "or
 22 animal".

- 23 ____ . Page 17, by striking line 7 and inserting
 24 the following: “drug,””
- 25 2. Page 1, by inserting after line 9 the fol-
 26 lowing:
 27 “ ____ . Page 22, line 11, by striking the words “or
 28 animals.””
- 29 3. Page 1, by inserting after line 26 the fol-
 30 lowing:
 31 “Sec. ____ . NEW SECTION. 203B.21 CHAPTER NOT
 32 APPLICABLE TO ANIMAL DRUGS.
 33 This chapter does not apply to drugs intended for
 34 use for animals and not for humans.”
- 35 4. By numbering and renumbering as necessary.

JIM R. RIORDAN

S-3685

- 1 Amend the amendment, S-3669, to House File 723, as
 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 1, line 6, by striking the word
 4 “possible” and inserting the following: “practical”.
- 5 1. Page 1, line 11, by striking the word
 6 “possible” and inserting the following: “practical”.
- 7 1. Page 1, line 20, by striking the word
 8 “possible” and inserting the following: “practical”.
- 9 1. Page 1, line 25, by striking the word
 10 “possible” and inserting the following: “practical”.
- 11 1. Page 1, line 30, by striking the word
 12 “possible” and inserting the following: “practical”.

JOHN W. JENSEN

S-3686

- 1 Amend House File 71, as passed by the House, as
 2 follows:
- 3 1. Page 1, by striking lines 1 and 2, and
 4 inserting the following:
 5 “Section 1. NEW SECTION. 602.6110 PEER REVIEW
 6 COURT -- PILOT PROJECTS.
 7 1. A peer review court is established as a pilot
 8 program to”.
- 9 2. By striking page 1, line 24, through page 2,
 10 line 1, and inserting the following:
 11 “3. Subject to the agreement of the chief judge of
 12 the judicial district, the supreme court shall
 13 designate two judicial districts in which to locate a

14 peer review court pilot project. Expenses of the
 15 projects shall be paid from funds specifically
 16 appropriated to the judicial department for this
 17 program. The chief judge of the district shall
 18 appoint a peer review court advisory board. The
 19 advisory”.

MICHAEL GRONSTAL

HOUSE AMENDMENT TO
 SENATE FILE 88

S-3687

1 Amend Senate File 88, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting after line 26 the
 4 following:
 5 “Sec. ____ . Section 234.11, unnumbered paragraph 2,
 6 Code 1989, is amended by striking the paragraph.”
 7 2. Page 1, by striking lines 29 and 30 and
 8 inserting the following:
 9 “NEW SUBSECTION. 6. Cooperate with the department
 10 of economic development in connection with that
 11 department’s collection, assembly, and dissemination
 12 of information on”.
 13 3. Title page, line 3, by inserting after the
 14 word “information,” the following: “eliminating
 15 certain requirements for review and reporting by the
 16 county board of social welfare,”.
 17 4. By numbering and renumbering as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 82

S-3688

1 Amend Senate File 82, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 7, by inserting after the figure
 4 “29B.14.” the following: “A member shall be called or
 5 ordered to duty within one hundred eighty days of the
 6 discovery of the charged offense, and in no event
 7 shall a member be called or ordered to duty after the
 8 expiration of three years from the termination of a
 9 period of duty.”

HOUSE AMENDMENT TO
SENATE FILE 216

S-3689

- 1 Amend Senate File 216 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 29 and 30, and
- 4 inserting the following: "permit issued by a medical
- 5 examiner shall not exceed twenty-five dollars. The
- 6 costs shall be borne by the family, next of kin,
- 7 guardian of the decedent, or other person."

S-3690

- 1 Amend Senate File 372 as follows:
- 2 1. Page 2, line 8, by striking the words "A The"
- 3 and inserting the following: "A".
- 4 2. Title, by striking line 1 and inserting the
- 5 following: "An Act relating to the handling and use
- 6 of county and municipal infractions, making a Code
- 7 correction in regard to such infractions, and
- 8 providing for penalties and remedies for such
- 9 infractions."

ALVIN V. MILLER

S-3691

- 1 Amend amendment, S-3581, to Senate File 373 as
- 2 follows:
- 3 1. Page 6, by striking lines 32 through 49.
- 4 2. Page 7, line 5, by striking the words "subject
- 5 to the provisions of section 476.76".
- 6 3. Page 7, line 25, by striking the words and
- 7 figure "sections 476.76 and" and inserting the word
- 8 "section".
- 9 4. Page 7, line 32, by striking the figures and
- 10 word ", 476.75, or 476.76" and inserting the word and
- 11 figure "or 476.75,".
- 12 5. By renumbering sections as necessary.

DON E. GETTINGS
H. KAY HEDGE

S-3692

- 1 Amend House File 250 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 2, by striking lines 23 through 26.

LINN FUHRMAN

S-3693

- 1 Amend House File 723 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 12, lines 32 through 34, by striking the
- 4 words "that economically impact adjoining landowners
- 5 and grow on the roads under their jurisdiction".

JOHN W. JENSEN

S-3694

- 1 Amend the amendment, S-3581, to Senate File 373 as
- 2 follows:
- 3 1. Page 1, by inserting before line 4 the
- 4 following:
- 5 "Sec. ____ . Section 476.1B, subsection 1, Code
- 6 1989, is amended by adding the following new
- 7 paragraph:
- 8 NEW PARAGRAPH. j. Affiliates."
- 9 2. Page 1, line 4, by striking the word and
- 10 figure "Section 1." and inserting the following:
- 11 "Sec. ."
- 12 3. Page 1, line 36, by striking the word
- 13 "regulated" and inserting the word "its".
- 14 4. Page 1, by striking line 50 and inserting the
- 15 following: "public utilities and".
- 16 5. Page 2, line 6, by striking the word "rate-
- 17 regulated".
- 18 6. Page 2, line 14, by striking the word "rate-
- 19 regulated".
- 20 7. Page 2, by inserting before line 32 the
- 21 following:
- 22 "'Nonutility service" also includes the provision
- 23 of unregulated services or facilities by a telephone
- 24 utility providing local exchange telecommunication
- 25 services."
- 26 8. Page 5, line 1, by striking the word "regu-
- 27 lated".

- 28 9. Page 6, line 14, by striking the words "rate-
29 regulated gas or electric".
- 30 10. Page 6, line 17, by striking the word
31 "regulated" and inserting the word "its".
- 32 11. Page 6, line 20, by striking the words "rate-
33 regulated gas or electric".
- 34 12. Page 6, lines 30 and 31, by striking the
35 words "rate-regulated gas or electric" and inserting
36 the word "public".
- 37 13. Page 6, line 34, by striking the words "rate-
38 regulated gas or electric".
- 39 14. Page 7, line 4, by striking the words "rate-
40 regulated gas or electric".
- 41 15. Page 7, line 10, by striking the word
42 "regulated".
- 43 16. Page 7, line 31, by striking the words "rate-
44 regulated gas or electric" and inserting the word
45 "public".

JOE WELSH

S-3695

- 1 Amend House File 373, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 3 the
4 following:
- 5 "— . "Public bathing beach" means a body of water
6 or portion of the body of water not contained within a
7 chamber or tank designated by marked boundaries such
8 as fences or buoys and used for recreational swimming
9 or bathing. "Public bathing beach" includes the
10 shores, buildings, and equipment pertaining to such
11 areas."
- 12 2. Page 1, line 17, by striking the words "and
13 spas" and inserting the following: ", spas, and
14 public bathing beaches".
- 15 3. Page 1, line 29, by striking the words "or
16 spa" and inserting the following: ", spa, or public
17 bathing beach".
- 18 4. Page 1, line 34, by striking the words "and
19 spas" and inserting the following: "spas, and public
20 bathing beaches".
- 21 5. Page 2, line 4, by inserting after the word
22 "installation" the following: "or establishment".
- 23 6. Page 2, line 5, by striking the words "and
24 spas" and inserting the following: ", spas, and
25 public bathing beaches".
- 26 7. Page 2, line 8, by striking the words "and

- 27 spas” and inserting the following: “, spas, and
 28 public bathing beaches”.
- 29 8. Page 2, line 10, by inserting after the word
 30 “spa,” the following: “public bathing beach,”.
- 31 9. Page 3, line 22, by striking the words “or
 32 spa” and inserting the following: “, spa, or public
 33 bathing beach”.
- 34 10. Page 3, line 23, by striking the words “or
 35 spa” and inserting the following: “, spa, or public
 36 bathing beach”.
- 37 11. Page 3, line 32, by striking the words “or
 38 spa” and inserting the following: “, spa, or public
 39 bathing beach”.
- 40 12. Page 3, line 34, by striking the words “or
 41 spa” and inserting the following: “, spa, or public
 42 bathing beach”.
- 43 13. Title page, line 2, by striking the words
 44 “and spas” and inserting the following: “spas, and
 45 public bathing beaches”.
- 46 14. By renumbering as necessary.

BOB M. CARR

S-3696

- 1 Amend House File 723 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 4, by striking line 33 through page 5,
 4 line 6.

LINN FUHRMAN

S-3697

- 1 Amend the amendment, S-3578, to House File 656, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, lines 7 and 8, by striking the words
 5 “water, air and waste management commission.” and
 6 inserting the following: “environmental protection
 7 commission created under section 455A.6.”.

AL STURGEON

S-3698

- 1 Amend House File 674, as passed by the House, as

2 follows:

3 1. Page 2, by striking lines 21 through 33 and

4 inserting the following:

5 "g d. "Confidential communication" means
6 ~~information transmitted between a victim of sexual~~
7 ~~assault or domestic violence and a victim counselor in~~
8 ~~the course of the counseling relationship and in~~
9 ~~confidence by a means which, so far as the victim is~~
10 ~~aware, does not disclose the information to a third~~
11 ~~person other than any who is present to further the~~
12 ~~interests of the victim in the consultation or to whom~~
13 ~~disclosure is reasonably necessary for the~~
14 ~~transmission of the information or for accomplishment~~
15 ~~of the purposes for which the counselor is consulted;~~
16 ~~and includes all information received and any advice,~~
17 ~~report, or working paper given or prepared by the~~
18 ~~counselor in the course of the relationship with the~~
19 ~~victim: information shared between a crime victim and~~
20 ~~a victim counselor within the counseling relationship,~~
21 ~~and includes all information received by the counselor~~
22 ~~and any advice, report, or working paper given to or~~
23 ~~prepared by the counselor in the course of the~~
24 ~~counseling relationship with the victim.~~

25 Confidential information is confidential
26 information which, so far as the victim is aware, is
27 not disclosed to a third party with the exception of a
28 person present in the consultation for the purpose of
29 furthering the interest of the victim, a person to
30 whom disclosure is reasonably necessary for the
31 transmission of the information, or a person with whom
32 disclosure is necessary for accomplishment of the
33 purpose for which the counselor is consulted by the
34 victim."

JOY CORNING
AL STURGEON

S-3699

1 Amend House File 250, 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. 80.40 CRIME
6 INFORMATION.

7 The department shall establish a program to

8 collect, classify, and disseminate information

9 relating to violations of section 729.5. Planning for

10 this project shall be completed and data collection

11 shall commence no later than January 1, 1991.

12 Sec. 2. Section 601A.2, subsection 11, Code 1989,

13 is amended to read as follows:

14 11. "Disability" means the physical or mental
 15 condition of a person which constitutes a substantial
 16 handicap, and includes the condition of a person with
 17 a positive human immunodeficiency virus test result, a
 18 diagnosis of acquired immune deficiency syndrome, a
 19 diagnosis of acquired immune deficiency syndrome-
 20 related complex, or any other condition related to
 21 acquired immune deficiency syndrome. The inclusion of
 22 a condition related to a positive human
 23 immunodeficiency virus test result in the meaning of
 24 "disability" under ~~the provisions~~ of this chapter does
 25 not preclude the application of the provisions of this
 26 chapter to conditions resulting from other contagious
 27 or infectious diseases.

28 In reference to employment, "disability" means a
 29 substantial handicap which meets one of the following
 30 criteria:

31 a. The handicap is not related to the ability to
 32 do the job.

33 b. The handicap is related to the ability to do
 34 the job, but through experience, training, or
 35 reasonable accommodation the person has overcome the
 36 handicap and is able to perform the job.

37 Sec. 3. Section 601A.6, Code 1989, is amended by
 38 adding the following new subsection:

39 NEW SUBSECTION. 1A. An employer shall make
 40 reasonable accommodation to the known physical or
 41 mental limitations of an otherwise qualified
 42 handicapped applicant or employee even though the
 43 reasonable accommodation may require more than a de
 44 minus expenditure by the employer, unless the
 45 employer can demonstrate that the accommodation would
 46 impose an undue hardship on the employer.

47 In determining whether an accommodation would
 48 impose an undue hardship on the employer, all of the
 49 following factors shall be considered:

50 a. The overall size of the employer's program of

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1 accommodation with respect to the number of employees,
 2 number and type of facilities, and type of budget.

3 b. The type of the employer's operation, including
 4 the composition and structure of the employer's
 5 workforce.

6 c. The nature and cost of the accommodation
 7 needed.

8 Sec. 4. Section 729.5, Code 1989, is amended to
9 read as follows:

10 729.5 PROHIBITING VIOLATIONS OF AN INDIVIDUAL'S
11 CIVIL RIGHTS --PENALTIES.

12 1. Persons within the state of Iowa have the right
13 to be free from any violence, or intimidation by
14 threat of violence, committed against their persons or
15 property because of their race, color, religion,
16 ancestry, national origin, political affiliation, or
17 sex, sexual orientation, age, or disability.

18 2. A person who conspires with another person or
19 persons, or who acts alone, to injure, oppress,
20 threaten, or intimidate or interfere with any citizen
21 in the free exercise or enjoyment of any right or
22 privilege secured to that person by the constitution
23 or laws of the state of Iowa or by the constitution or
24 laws of the United States, and assembles with one or
25 more persons for the purpose of teaching or being
26 instructed in any technique or means capable of
27 causing property damage, bodily injury or death when
28 the person or persons intend to employ those
29 techniques or means in furtherance of the conspiracy;
30 is on conviction, guilty of a class "D" "C" felony.

31 Evidence of intimidation includes, but is not limited
32 to, the burning of crosses and other symbols, and a
33 rebuttable presumption of intimidation arises where
34 such an act is shown to have been committed. Evidence
35 of conspiracy includes, but is not limited to, the
36 assembly of two or more persons for the purpose of
37 teaching or being instructed in any technique or means
38 capable of causing property damage, bodily injury, or
39 death, and a rebuttable presumption of a conspiracy
40 arises where such an act is shown to have been
41 committed for such a purpose.

42 A person who maliciously and intentionally
43 intimidates or interferes with the business or
44 contractual relations of another citizen because of
45 that citizen's race, color, religion, ancestry,
46 national origin, political affiliation, sex, sexual
47 orientation, age, or disability commits a simple
48 misdemeanor.

49 3. A person who maliciously and intentionally
50 intimidates or interferes with another citizen because

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1 of that citizen's race, color, religion, ancestry,
2 national origin, political affiliation, membership or
3 nonmembership in a labor union, sex, sexual

4 orientation, age, or disability and while doing so
5 commits any of the following acts, is guilty of an
6 aggravated misdemeanor:

7 a. Commits an assault, as defined in section
8 708.1, upon that citizen or a third person.

9 b. Commits an act of criminal mischief, as defined
10 in section 716.1, upon that citizen or a third person.

11 § 4. The fact that a person committed a felony or
12 misdemeanor, or attempted to commit a felony, because
13 of the victim's race, color, religion, ~~nationality,~~
14 ~~country of ancestry, national~~ origin, political
15 affiliation, or sex, sexual orientation, age, or
16 disability, shall be considered a circumstance in
17 aggravation of any crime in imposing a sentence and
18 fine.

19 5. A protected class member, as included in this
20 section, who has suffered physical, emotional, or
21 financial harm, as a result of a violation of this
22 section, or discrimination as prohibited by chapter
23 601A, is entitled to injunctive relief, general and
24 special damages, reasonable attorney fees and costs,
25 and is also entitled to the remedies provided in
26 chapter 601A when discrimination is proven.

27 4 6. This section does not make unlawful the
28 teaching of any technique in self-defense.

29 5 7. This section does not make unlawful any
30 activity of:

31 a. Law enforcement officials of this or any other
32 jurisdiction while engaged in the lawful performance
33 of their official duties;

34 b. Federal officials required to carry firearms
35 while engaged in the lawful performance of their
36 official duties;

37 c. Members of the armed forces of the United
38 States or the national guard while engaged in the
39 lawful performance of their official duties; or

40 d. Any conservation commission, law enforcement
41 agency, or any agency licensed to provide security
42 services, or any hunting club, gun club, shooting
43 range, or other organization or entity whose primary
44 purpose is to teach the safe handling or use of
45 firearms, archery equipment, or other weapons or
46 techniques employed in connection with lawful sporting
47 or other lawful activity.

48 8. For purposes of this section, unless the
49 context otherwise requires:

50 a. "Conspiracy" means the teaching or instruction.

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1 or assembling for the purpose of teaching or
2 instructing any technique capable of causing an injury
3 to the person or property damage, with the intent to
4 promote or facilitate violence or threats of violence
5 and intimidation against persons protected by this
6 chapter.
7 b. "Disability" means as defined in section
8 601A.2, subsection 11.
9 c. "Intimidation" means action taken which can
10 reasonably be expected to frighten or cause fear in
11 another, with the intent to promote or facilitate fear
12 in persons protected by this chapter."

TOM MANN, Jr.

S-3700

1 Amend the amendment, S-3683, to House File 739, 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 the following: "which receive federal
6 entitlement funds if the entity making the".

PAUL D. PATE
JEAN LLOYD-JONESHOUSE AMENDMENT TO
SENATE FILE 428

S-3701

1 Amend Senate File 428, as amended, passed, and re-
2 printed by the Senate, as follows:
3 1. Page 1, line 2, by striking the words "AND
4 E911 SERVICE".
5 2. Page 1, by striking line 3 and inserting the
6 following:
7 "By January 1, 1990, each county".
8 3. Page 1, line 4, by striking the word "plan".
9 4. Page 1, line 5, by striking the words "in each
10 county".

HOUSE AMENDMENT TO
SENATE FILE 343

S-3702

- 1 Amend Senate File 343, as passed by the Senate, as
2 follows:
- 3 1. Page 1, line 35, by inserting after the word
4 "costs" the following: ", not to exceed two hundred
5 dollars,".
- 6 2. Page 2, by inserting after line 2 the
7 following:
- 8 "2. Damages awarded under this section shall be
9 reduced by any amount received by the owner pursuant
10 to court ordered restitution under chapter 232A or
11 910."
- 12 3. Page 2, line 3, by striking the figure "2" and
13 inserting the following: "3".

HOUSE AMENDMENT TO
SENATE FILE 300

S-3703

- 1 Amend Senate File 300, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 9 the
4 following:
- 5 "Sec. ____ . Section 368.5, Code 1989, is amended by
6 adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. Territory within the
8 road right-of-way owned by a county may be annexed,
9 but the county attorney of that county must be served
10 with notice of the hearing and a copy of the proposal.
11 Sec. ____ . APPLICABILITY.
- 12 This Act applies to actions taken pursuant to
13 chapter 368 which commence after the effective date of
14 this Act."

HOUSE AMENDMENT TO
SENATE FILE 121

S-3704

- 1 Amend Senate File 121, as passed by the Senate, as
2 follows:
- 3 1. Page 1, by inserting after line 13 the
4 following:
- 5 "Sec. ____ . Section 805.8, subsection 2, Code 1989,

6 is amended by adding the following new paragraph:
7 NEW PARAGRAPH. p. For obtaining, possessing, or
8 having in one's control or one's premises a motor
9 vehicle license, a nonoperator's identification card,
10 or a blank motor vehicle license form in violation of
11 section 321.216, subsection 7 or 8, the scheduled fine
12 is fifty dollars."

HOUSE AMENDMENT TO
SENATE FILE 498

S-3705

1 Amend Senate File 498, 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 602.6302, Code 1989, is
6 amended by striking the section and inserting in lieu
7 thereof the following:
8 602.6302 APPOINTMENT OF DISTRICT ASSOCIATE JUDGE
9 IN LIEU OF MAGISTRATES.
10 1. The chief judge of the judicial district may
11 designate by order of substitution that a district
12 associate judge be appointed pursuant to this section
13 in lieu of magistrates appointed under section
14 602.6403, subject to the following limitations:
15 a. The county in which the district associate
16 judge is to be appointed, or the counties in which the
17 district associate judge is to be appointed in
18 combination, must have an apportionment of three or
19 more magistrates.
20 b. The substitution must not result in a lack of a
21 resident district associate judge or magistrate in one
22 or more of the counties.
23 c. The substitution must be approved by the
24 supreme court.
25 d. A majority of district judges in that judicial
26 election district, or in the case of an appointment
27 involving more than one judicial election district in
28 the same judicial district, a majority of the district
29 judges in each judicial election district, must vote
30 in favor of the substitution and find that the
31 substitution will provide more timely and efficient
32 performance of judicial business within that judicial
33 election district.
34 2. An order of substitution shall not take effect
35 unless a copy of the order is received by the

36 chairperson of the county magistrate appointing
37 commission or commissions no later than May 31 of the
38 year in which the substitution is to take effect. A
39 copy of the order shall also be sent to the state
40 court administrator.
41 3. For a county in which a substitution order is
42 in effect, the number of magistrates actually
43 appointed pursuant to section 602.6403 shall be
44 reduced by three for each district associate judge
45 substituted under this section. However, if the
46 substitution order is for a district associate judge
47 appointed to more than one county, the reduction of
48 three magistrates shall be as provided in the order of
49 the chief judge of the judicial district. Upon a
50 subsequent reduction in the apportionment of

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1 magistrates to the county or counties, the magistrate
2 appointing commission shall further reduce the number
3 of magistrates appointed.
4 4. a. Except as provided in subsections 1 through
5 3, a substitution shall not increase or decrease the
6 number of magistrates authorized by this article.
7 b. A substitution shall not be made where the
8 apportionment of magistrates to a county is
9 insufficient to permit the full reduction in
10 appointments of magistrates as required by subsection
11 3.
12 5. If an apportionment by the state court
13 administrator pursuant to section 602.6401 reduces the
14 number of magistrates in the county or counties to
15 less than the number required to be apportioned to
16 allow a substitution order pursuant to subsection 1,
17 or if a majority of the district judges in the
18 judicial election district or districts determines
19 that a substitution is no longer desirable, then the
20 substituted office shall be terminated. However, a
21 reversion pursuant to this subsection, irrespective of
22 cause, shall not take effect until the substitute
23 district associate judge fails to be retained in
24 office at a judicial election or otherwise leaves
25 office, whether voluntarily or involuntarily. Upon
26 the termination of office of that district associate
27 judge, appointments shall be made pursuant to section
28 602.6403 as necessary to reestablish terms of office
29 as provided in section 602.6403, subsection 4.
30 Sec. 2. Section 602.6305, subsection 2, Code 1989,
31 is amended to read as follows:
32 2. A person does not qualify for appointment to

33 the office of district associate judge unless the
34 person is at the time of ~~application~~ appointment a
35 resident of the county in which the vacancy exists,
36 ~~and unless the person~~ is licensed to practice law in
37 Iowa, and ~~unless the person~~ will be able, measured by
38 the person's age at the time of appointment, to
39 complete the initial term of office plus a four-year
40 term of office prior to reaching age seventy-two.

41 Sec. 3. Section 602.6403, subsection 1, Code 1989,
42 is amended to read as follows:

43 1. In ~~April~~ June of each year in which
44 magistrates' terms expire, the county magistrate
45 appointing commission shall appoint, except as
46 otherwise provided in section 602.6302, the number of
47 magistrates apportioned to the county by the state
48 court administrator under section 602.6401, and may
49 appoint an additional magistrate when allowed by
50 section 602.6402. The commission shall not appoint

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1 more magistrates than are authorized for the county by
2 this article.

3 Sec. 4. Section 602.6403, subsection 4, Code 1989,
4 is amended to read as follows:

5 4. The term of office of a magistrate is ~~two~~ four
6 years, commencing ~~July~~ August 1 of each ~~odd numbered~~
7 ~~year, 1989. However, the terms of all magistrates in~~
8 ~~a county are deemed to expire if a substitution under~~
9 ~~section 602.6302 or the allocation under section~~
10 ~~602.6401 results in a reduction in the number of~~
11 ~~magistrates in a county where the magistrates hold~~
12 ~~office.~~

13 Sec. 5. Section 602.6404, subsection 2, Code 1989,
14 is amended to read as follows:

15 2. A person is not qualified for appointment as a
16 magistrate ~~unless the person can complete the entire~~
17 ~~term of office prior to reaching if at the time of~~
18 ~~appointment the person has reached~~ age seventy-two.

19 Sec. 6. Upon enactment, except as provided in
20 section 602.6403, subsection 4, a magistrate appointed
21 pursuant to section 602.6403, subsection 1, prior to
22 the effective date of this Act shall be deemed to have
23 been appointed pursuant to this Act and the
24 magistrates term shall commence August 1, 1989.

25 Except as provided in section 602.6403, subsection
26 4, the term of a magistrate whose term is to expire on
27 June 30, 1989, shall be extended through July 31,
28 1989.

29 Sec. 7. This Act, being deemed of immediate

30 importance, takes effect upon enactment.”

31 2. Title page, line 2, by inserting after the
32 word “magistrates” the following: “district associate
33 judges”.

HOUSE AMENDMENT TO
SENATE FILE 14

S-3706

1 Amend Senate File 14, 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 157.2, Code 1989, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 7. Persons who manicure
8 fingernails. A licensed beauty salon or licensed
9 barbershop may employ a person as a manicurist. No
10 license shall be required for a manicurist.
11 Sec. 2. Section 157.2, Code 1989, is amended by
12 adding the following new subsection:
13 NEW SUBSECTION. 8. Persons licensed as
14 electrologists pursuant to section 157.5, when
15 practicing electrolysis as described in that section.
16 Sec. 3. Section 157.5, Code 1989, is amended to
17 read as follows:
18 157.5 LICENSE TO PRACTICE ELECTROLYSIS.
19 An applicant for a license to practice cosmetology
20 A person may obtain a license from the department for
21 authority to remove superfluous hair by the use of the
22 electric needle or electronic process by presenting to
23 the board a diploma, or similar evidence, from a
24 licensed school of cosmetology, or from any school in
25 another state which is recognized by the board, which
26 teaches a ~~special course~~ in the practice of the use of
27 the electric needle or electronic process indicating
28 that the applicant has successfully completed the
29 ~~special course, and by passing an examination~~
30 prescribed by the board at least two hundred fifty
31 hours of training relating to electrolysis. The board
32 shall not require that a person be licensed as a
33 cosmetologist in order to obtain a license to practice
34 electrolysis. The applicant shall pay a license fee
35 as determined by the board under section 147.80.
36 The rules of the board shall include a provision
37 whereby a license to practice electrolysis may be
38 granted by reciprocity or endorsement to a person who

39 is licensed in another state to practice electrolysis.
40 Sec. 4. Section 714.18, subsection 1, Code 1989,
41 is amended to read as follows:
42 1. A continuous corporate surety bond to the state
43 of Iowa in the sum of fifty thousand dollars or ten
44 percent of the total annual tuition collected,
45 whichever is less, conditioned for the faithful
46 performance of all contracts and agreements with
47 students made by such person, firm, association, or
48 corporation, or their salespersons; ~~provided, however,~~
49 ~~that the, A person, firm, association, or corporation~~
50 ~~desiring to file a surety bond based on a percentage~~

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1 of annual tuition shall provide to the director of the
2 department of education, in the form prescribed by the
3 director, a notarized statement attesting to the total
4 amount of tuition collected in the preceding twelve-
5 month period. The director shall determine the
6 sufficiency of the statement and the amount of the
7 bond. Tuition information submitted pursuant to this
8 subsection shall be kept confidential.
9 If the person, firm, association, or corporation
10 has filed a performance bond with an agency of the
11 United States government pursuant to federal law, the
12 director of the department of education shall reduce
13 the bond required by this subsection by an amount
14 equal to the amount of the federal bond.
15 PARAGRAPH DIVIDED. The aggregate liability of the
16 surety for all breaches of the conditions of the bond
17 shall; ~~in no event, not~~ exceed the sum of ~~said the~~
18 bond. The surety on the bond ~~shall have the right to~~
19 ~~may~~ cancel ~~said the~~ bond upon giving thirty days'
20 written notice to the director of the department of
21 education and thereafter shall be relieved of
22 liability for any breach of condition occurring after
23 the effective date of ~~said the~~ cancellation.
24 The director of the department of education may
25 accept a letter of credit from a bank in lieu of the
26 corporate surety bond required by this subsection.
27 Sec. 5. Section 714.19, subsection 9, Code 1989,
28 is amended by striking the subsection."
29 2. Title page, by striking lines 1 and 2 and
30 inserting the following: "An Act relating to
31 regulation, including the regulation of educational
32 services and of practice professions."

HOUSE AMENDMENT TO
SENATE FILE 508

S-3707

1 Amend Senate File 508, 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. 584.5 NONSTATUTORY
6 LIENS.

7 A person claiming a common law lien, an equitable
8 servitude lien, or a lien of similar nature which is
9 other than a statutory lien, shall first give notice
10 to any legal and equitable owners and persons in
11 possession of the real or personal property against
12 which the lien is sought. If the lien is filed by an
13 owner of the real or personal property, notice shall
14 first be given to any person with a lien or other
15 interest in the property. The notice shall be given
16 pursuant to the Iowa rules of civil procedure. Prior
17 to the filing of the lien in any office of record in
18 the county where the real or personal property is
19 located, the district court in such county shall hold
20 a hearing to determine the validity of the lien.
21 Pendency of such a proceeding shall not be indexed
22 under section 617.10 and shall not constitute lis
23 pendens or constructive notice to third persons under
24 sections 617.11 through 617.15. A bona fide purchaser
25 takes title to the real or personal property free of
26 any claims arising from such proceeding unless proper
27 filing is made in the office of the county recorder as
28 provided in this section. The person claiming the
29 lien is required to prove the validity of the lien by
30 a preponderance of the evidence. If the court
31 determines the person claiming the lien has, willfully
32 and maliciously proceeded, a judgment in an amount no
33 greater than five hundred dollars may be entered
34 against the person claiming the lien in favor of any
35 resisting party for damages, plus costs and reasonable
36 attorneys' fees incurred by the resisting party. A
37 lien, as described in this section, shall not be filed
38 in any office of record other than as provided in this
39 section and if such lien is filed other than as
40 provided in this section, the lien shall be null and
41 void and of no force or effect. If after hearing the
42 district court enters an order determining the lien to
43 be valid, the person claiming the lien shall file a

44 certified copy of the order in the office of the
 45 county recorder where the real or personal property is
 46 located. An appeal from the district court arising
 47 from such proceeding is by certiorari.
 48 Sec. 2. This Act, being deemed of immediate
 49 importance, takes effect upon enactment."
 50 2. Title page, line 1, by striking the word

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1 "common".
 2 3. Title page, line 2, by inserting after the
 3 word "remedy" the following: "and an effective date".

HOUSE AMENDMENT TO
 SENATE FILE 278

S-3708

1 Amend Senate File 278, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 10 through 12, and
 4 inserting the following: "services under section
 5 225C.21, whether operated by a for-profit or a".
 6 2. Page 1, line 29, by striking the word
 7 "facility" and inserting the following: "retirement
 8 community".
 9 3. Page 2, line 9, by inserting after the word
 10 "transfer" the following: "which exceeds the lesser
 11 amount of five thousand dollars or six times the
 12 living unit's monthly fee".
 13 4. Page 2, by striking lines 14 and 15 and
 14 inserting the following:
 15 "7. "Facility" means a senior adult congregate
 16 living facility or a continuing care retirement
 17 community."
 18 5. Page 2, line 35, by inserting after the word
 19 "state" the following: "for a facility located in
 20 this state".
 21 6. Page 3, line 6, by inserting after the figure
 22 "523D.3." the following: "The disclosure statement
 23 shall be accompanied by a one hundred dollar filing
 24 fee as a condition of filing and compliance with this
 25 section."
 26 7. Page 3, line 27, by striking the word "If" and
 27 inserting the following: "With respect to each person
 28 covered by paragraph "b", and if".
 29 8. Page 4, line 12, by inserting after the word

30 "property" the following: "or similar felonies
31 involving theft or dishonesty".

32 9. Page 4, line 25, by inserting after the word
33 "affiliated" the following: "with a for profit
34 organization or".

35 10. Page 5, line 23, by inserting after the word
36 "provider," the following: "for all parts of an
37 operation covered by the contract, including the
38 health center or nursing home portion of the
39 continuing care retirement community, if those
40 services are included in the contract, but the
41 disclosure statement may exclude services or
42 operations not provided to residents as senior adult
43 congregate living services under their contract,".

44 11. Page 7, line 13, by striking the word "four"
45 and inserting the following: "five".

46 12. Page 7, by striking lines 16 through 23, and
47 inserting the following: "initial disclosure
48 statement. The annual disclosure statement shall also
49 be accompanied by a narrative describing:

50 a. Any material differences between the pro forma

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1 income statement filed pursuant to this chapter either
2 as part of the most recent annual disclosure statement
3 and the actual results of operations during the fiscal
4 year, if the material differences substantially affect
5 the financial safety or soundness of the community.

6 b. Any material differences between the pro forma
7 balance sheet and the actual results of operations
8 during the fiscal year."

9 13. Page 9, lines 2 through 4, by striking the
10 words "agreed upon by the provider and the current or
11 prospective resident for any construction for which an
12 entry fee arrangement is used." and inserting the
13 following: "for a living unit which has not
14 previously been occupied by a resident for which an
15 entry fee arrangement is used. The escrow account
16 agreement shall be entered into between the financial
17 institution and the provider with the financial
18 institution as the escrow agent and as a fiduciary for
19 the resident or the prospective resident, the
20 agreement shall state that its purpose is to protect
21 the resident or the prospective resident, and the
22 funds deposited in the account shall be kept and
23 maintained in an account separate and apart from the
24 provider's business accounts."

25 14. Page 9, by striking lines 9 through 17, and
26 inserting the following: "reasonably determines that

27 the following conditions have been satisfied:

28 a. The facility has a minimum of fifty percent of
29 the units reserved for which the provider is charging
30 an entrance fee.

31 b. The aggregate amount of the entrance fees
32 received by or pledged to the provider, plus
33 anticipated proceeds from any long-term financing
34 commitment, plus funds from all other sources in the
35 actual possession of the provider, equal not less than
36 ninety percent of the aggregate cost of constructing
37 or purchasing, equipping, and furnishing the
38 facility."

39 15. Page 9, line 33, by striking the word "may"
40 and inserting the following: "shall".

41 16. Page 10, line 15, by striking the words
42 "senior adult congregate living facility" and
43 inserting the following: "provider or any person
44 identified in section 523D.3, subsection 1, paragraph
45 "b" or "c"."

46 17. Page 10, lines 17 and 18, by striking the
47 words "with a senior adult congregate living
48 facility".

49 18. Page 10, line 20, by striking the words "One
50 hundred twenty" and inserting the following: "Forty-

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1 five".

2 19. Page 11, line 10, by striking the words "one
3 hundred twenty" and inserting the following: "forty-
4 five calendar".

5 20. Page 11, line 14, by striking the words "ten
6 business" and inserting the following: "thirty
7 calendar".

8 21. Page 11, line 16, by inserting after the word
9 "canceled" the following: ", except that the provider
10 may retain the reasonable value of care and services
11 actually provided to the resident prior to the
12 resident vacating the provider's facility".

13 22. Page 11, by striking lines 21 and 22, and
14 inserting the following:

15 "To cancel this contract, mail by certified mail or
16 hand deliver, a signed and dated copy of this
17 cancellation notice or any other written notice
18 clearly indicating your intent to cancel the
19 contract,".

20 23. Page 11, by inserting after line 29, the
21 following:

22 "4. A purchaser's cancellation is effective upon
23 mailing by certified mail, when transmitted by

24 telegraph, or when actual notice is given to the
 25 provider, whichever is earlier.”
 26 24. Page 12, lines 17 through 20, by striking the
 27 words “omits a material fact required to be included
 28 in the statement or necessary in order to make the
 29 statement, in light of the circumstances under which
 30 it is made, not misleading.” and inserting the
 31 following: “contains any untrue statement of a
 32 material fact or omits to state a material fact
 33 necessary in order to make the statements made, in
 34 light of the circumstances under which they are made,
 35 not misleading.”
 36 25. Page 12, line 26, by inserting after the word
 37 “refund” the following: “, payable upon acceptance.”
 38 26. Page 13, by inserting after line 23, the
 39 following:
 40 “Sec. 10. NEW SECTION. 523D.10 RULES.
 41 The division of insurance may adopt rules pursuant
 42 to chapter 17A as necessary and appropriate to
 43 implement this chapter, and may make further
 44 recommendations to the general assembly for the
 45 protection of residents and prospective residents of
 46 facilities required to file an annual disclosure
 47 statement under this chapter.”
 48 27. Title page, line 2, by striking the word
 49 “facilities” and inserting the words “retirement
 50 communities”.

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1 28. By renumbering, relettering, or redesignating
 2 and correcting internal references as necessary.

S-3709

1 Amend House File 250, 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. 80.40 CRIME
 6 INFORMATION.
 7 The department shall establish a program to
 8 collect, classify, and disseminate information
 9 relating to violations of section 729.5. Planning for
 10 this project shall be completed and data collection
 11 shall commence no later than January 1, 1991.
 12 Sec. 2. Section 601A.2, subsection 11, Code 1989,
 13 is amended to read as follows:
 14 11. “Disability” means the physical or mental

15 condition of a person which constitutes a substantial
16 handicap, and includes the condition of a person with
17 a positive human immunodeficiency virus test result, a
18 diagnosis of acquired immune deficiency syndrome, a
19 diagnosis of acquired immune deficiency syndrome-
20 related complex, or any other condition related to
21 acquired immune deficiency syndrome. The inclusion of
22 a condition related to a positive human
23 immunodeficiency virus test result in the meaning of
24 "disability" under ~~the provisions~~ of this chapter does
25 not preclude the application of the provisions of this
26 chapter to conditions resulting from other contagious
27 or infectious diseases.

28 In reference to employment, "disability" means a
29 substantial handicap which meets one of the following
30 criteria:

31 a. The handicap is not related to the ability to
32 do the job.

33 b. The handicap is related to the ability to do
34 the job, but through experience, training, or
35 reasonable accommodation the person has overcome the
36 handicap and is able to perform the job.

37 Sec. 3. Section 601A.6, Code 1989, is amended by
38 adding the following new subsection:

39 **NEW SUBSECTION. 1A.** An employer shall make
40 reasonable accommodation to the known physical or
41 mental limitations of an otherwise qualified
42 handicapped applicant or employee even though the
43 reasonable accommodation may require more than a de
44 minimus expenditure by the employer, unless the
45 employer can demonstrate that the accommodation would
46 impose an undue hardship on the employer.

47 In determining whether an accommodation would
48 impose an undue hardship on the employer, all of the
49 following factors shall be considered:

50 a. The overall size of the employer's program of

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1 accommodation with respect to the number of employees,
2 number and type of facilities, and type of budget.

3 b. The type of the employer's operation, including
4 the composition and structure of the employer's
5 workforce.

6 c. The nature and cost of the accommodation
7 needed.

8 Sec. 4. Section 729.5, Code 1989, is amended to
9 read as follows:

10 729.5 PROHIBITING VIOLATIONS OF AN INDIVIDUAL'S
11 CIVIL RIGHTS --PENALTIES.

12 1. Persons within the state of Iowa have the right
 13 to be free from any violence, or intimidation by
 14 threat of violence, committed against their persons or
 15 property because of their race, color, religion,
 16 ancestry, national origin, political affiliation, ~~or~~
 17 sex, sexual orientation, age, or disability.
 18 2. A person who conspires with another person or
 19 persons, or who acts alone, to injure, oppress,
 20 threaten, or intimidate or interfere with any citizen
 21 in the free exercise or enjoyment of any right or
 22 privilege secured to that person by the constitution
 23 or laws of the state of Iowa or by the constitution or
 24 laws of the United States, ~~and assembles with one or~~
 25 ~~more persons for the purpose of teaching or being~~
 26 ~~instructed in any technique or means capable of~~
 27 ~~causing property damage, bodily injury or death when~~
 28 ~~the person or persons intend to employ those~~
 29 ~~techniques or means in furtherance of the conspiracy,~~
 30 is on conviction, guilty of a class "D" "C" felony.
 31 Evidence of intimidation includes, but is not limited
 32 to, the burning of crosses and other symbols, and a
 33 rebuttable presumption of intimidation arises where
 34 such an act is shown to have been committed. Evidence
 35 of conspiracy includes, but is not limited to, the
 36 assembly of two or more persons for the purpose of
 37 teaching or being instructed in any technique or means
 38 capable of causing property damage, bodily injury, or
 39 death, and a rebuttable presumption of a conspiracy
 40 arises where such an act is shown to have been
 41 committed for such a purpose.
 42 A person who maliciously and intentionally
 43 intimidates or interferes with the business or
 44 contractual relations of another citizen because of
 45 that citizen's race, color, religion, ancestry,
 46 national origin, political affiliation, sex, sexual
 47 orientation, age, or disability commits a simple
 48 misdemeanor.
 49 3. A person who maliciously and intentionally
 50 intimidates or interferes with another citizen because

Page 3

1 of that citizen's race, color, religion, ancestry,
 2 national origin, political affiliation, sex, sexual
 3 orientation, age, or disability and while doing so
 4 commits any of the following acts, is guilty of an
 5 aggravated misdemeanor:
 6 a. Commits an assault, as defined in section
 7 708.1, upon that citizen or a third person.

8 b. Commits an act of criminal mischief, as defined
9 in section 716.1, upon that citizen or a third person.

10 § 4. The fact that a person committed a felony or
11 misdemeanor, or attempted to commit a felony, because
12 of the victim's race, color, religion, nationality,
13 country of ancestry, national origin, political
14 affiliation, or sex, sexual orientation, age, or
15 disability, shall be considered a circumstance in
16 aggravation of any crime in imposing a sentence and
17 fine.

18 5. A protected class member, as included in this
19 section, who has suffered physical, emotional, or
20 financial harm, as a result of a violation of this
21 section, or discrimination as prohibited by chapter
22 601A, is entitled to injunctive relief, general and
23 special damages, reasonable attorney fees and costs,
24 and is also entitled to the remedies provided in
25 chapter 601A when discrimination is proven.

26 4 6. This section does not make unlawful the
27 teaching of any technique in self-defense.

28 5 7. This section does not make unlawful any
29 activity of:

30 a. Law enforcement officials of this or any other
31 jurisdiction while engaged in the lawful performance
32 of their official duties;

33 b. Federal officials required to carry firearms
34 while engaged in the lawful performance of their
35 official duties;

36 c. Members of the armed forces of the United
37 States or the national guard while engaged in the
38 lawful performance of their official duties; or

39 d. Any conservation commission, law enforcement
40 agency, or any agency licensed to provide security
41 services, or any hunting club, gun club, shooting
42 range, or other organization or entity whose primary
43 purpose is to teach the safe handling or use of
44 firearms, archery equipment, or other weapons or
45 techniques employed in connection with lawful sporting
46 or other lawful activity.

47 8. For purposes of this section, unless the
48 context otherwise requires:

49 a. "Conspiracy" means the teaching or instruction,
50 or assembling for the purpose of teaching or

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1 instructing any technique capable of causing an injury
2 to the person or property damage, with the intent to
3 promote or facilitate violence or threats of violence

4 and intimidation against persons protected by this
 5 chapter.
 6 b. "Disability" means as defined in section
 7 601A.2, subsection 11.
 8 c. "Intimidation" means action taken which can
 9 reasonably be expected to frighten or cause fear in
 10 another, with the intent to promote or facilitate fear
 11 in persons protected by this chapter."
 12 2. Title page, line 1, by inserting after the
 13 word "rights" the following: "or privileges".

TOM MANN, Jr.

S-3710

1 Amend House File 740, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking page 3, line 2, through page 4,
 4 line 6.

TOM MANN, Jr.

S-3711

1 Amend amendment, S-3672, to House File 740, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, line 5, by striking the word
 5 "excludes" and inserting the following: "includes".
 6 2. Page 1, by striking lines 6 through 8 and
 7 inserting the following: "service provider that
 8 provides transmission capacity.""

RAY TAYLOR

HOUSE AMENDMENT TO
 SENATE FILE 365

S-3712

1 Amend Senate File 365, as passed by the Senate, as
 2 follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 "Section 1. Section 56.6, subsection 1, paragraph
 6 e, is amended to read as follows:
 7 e. Committees for municipal and school elective

8 offices and local ballot issues shall file their first
 9 reports five days prior to any election in which the
 10 name of the candidate or the local ballot issue which
 11 they support or oppose appears on the printed ballot
 12 and shall file their next report on the first day of
 13 the month following the final election in a calendar
 14 year in which the candidate's name or the ballot issue
 15 appears on the ballot. A committee supporting or
 16 opposing a candidate for a municipal or school
 17 elective office or a local ballot issue shall ~~continue~~
 18 ~~to also file a disclosure report reports~~ on the first
 19 ~~day of every month~~ twentieth day of January and
 20 October of each year in which the candidate or ballot
 21 issue does not appear on the ballot and on the
 22 twentieth day of January, May, and July of each year
 23 in which the candidate or ballot issue appears on the
 24 ballot, until it the committee dissolves. These
 25 reports shall be current to five days prior to the
 26 filing deadline and are considered timely filed if
 27 mailed bearing a United States postal service postmark
 28 one or more calendar days preceding the due date."

HOUSE AMENDMENT TO
 SENATE FILE 450

S-3713

1 Amend Senate File 450, as passed by the Senate, as
 2 follows:
 3 1. Page 2, line 1, by inserting after the word
 4 "required." the following: "If a student is
 5 participating in an organized and supervised high
 6 school athletic program which requires at least as
 7 much time of participation per week as one-eighth
 8 unit, the student may be excused from the physical
 9 education course during the time of the student's
 10 participation in the athletic program."
 11 2. Page 2, by striking lines 14 through 21 and
 12 inserting the following: "student. The principal of
 13 the school shall inform the".
 14 3. Page 3, by striking lines 3 through 14.
 15 4. Page 3, by striking lines 18 through 20 and
 16 inserting the following: ""resident" means a child
 17 who is physically present in the district for the
 18 purpose of making a home and not solely for school
 19 purposes."
 20 5. Page 3, line 26, by striking the word "who"
 21 and inserting the following: "~~who~~".

- 22 6. Page 3, lines 28 through 30, by striking the
 23 words "~~whose presence in school may be injurious to~~
 24 ~~the health or morals of other pupils or to the welfare~~
 25 ~~of such school~~" and inserting the following: "whose
 26 presence in school may be injurious to the health ~~or~~
 27 ~~morals~~ of other pupils or to the welfare of ~~such the~~
 28 school, who is found to be physically or mentally".
 29 7. Page 4, by striking lines 15 through 17 and
 30 inserting the following: "'resident" means a person
 31 who is physically present in the district for the
 32 purpose of making a home and not solely for school
 33 purposes."
 34 8. Page 6, by striking lines 7 through 20.

HOUSE AMENDMENT TO
 SENATE FILE 466

S-3714

- 1 Amend Senate File 466, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 13, by striking the words "in a
 4 rural community".
 5 2. Title page, line 2, by striking the words "in
 6 a rural community".
 7 3. Title page, line 3, by striking the words
 8 "community and rural development loan" and inserting
 9 the following: "rural community 2000".

HOUSE AMENDMENT TO
 SENATE FILE 407

S-3715

- 1 Amend Senate File 407, as passed by the Senate, as
 2 follows:
 3 1. Page 2, line 23, by striking the word "ten"
 4 and inserting the following: "fifteen".
 5 2. Page 2, line 29, by inserting after the word
 6 "consideration." the following: "This section does
 7 not apply to an owner who has a bona fide fee contract
 8 with a practicing attorney and counselor as described
 9 in chapter 602, article 10."

HOUSE AMENDMENT TO
SENATE FILE 391

S-3716

- 1 Amend Senate File 391, as passed by the Senate, as
2 follows:
3 1. Page 1, by striking lines 5 and 6 and
4 inserting the following: "total number of men, women,
5 and juveniles".

HOUSE AMENDMENT TO
SENATE FILE 318

S-3717

- 1 Amend Senate File 318 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, line 18, by inserting after the word
4 "propose" the following: "and approve".

HOUSE AMENDMENT TO
SENATE FILE 218

S-3718

- 1 Amend Senate File 218, as passed by the Senate, as
2 follows:
3 1. Page 1, line 4, by inserting after the word
4 "administrator" the following: ", provided that the
5 administrator shall not approve investment in
6 corporate bonds unless the bonds are rated in the two
7 highest grades of corporate bonds by a nationally
8 accepted rating agency, including but not limited to a
9 rating of AAA or AA from Standard and Pools".

HOUSE AMENDMENT TO
SENATE FILE 111

S-3719

- 1 Amend Senate File 111, as amended, passed, and re-
2 printed by the Senate, as follows:
3 1. Page 3, by striking lines 33 through 35.
4 2. By renumbering as necessary.

S-3720

- 1 Amend Senate File 517 as follows:
- 2 1. Page 5, by inserting after line 32 the
- 3 following:
- 4 "Sec. ____ . There is appropriated from the general
- 5 fund of the state to the information services division
- 6 of the department of general services for the fiscal
- 7 year beginning July 1, 1989, and ending June 30, 1990,
- 8 the following amount, or so much thereof as is
- 9 necessary, to be used for the purpose designated:
- 10 For the lease-purchase of a central computer to
- 11 provide increased centralized computer mainframe
- 12 capacity and software:
- 13 \$ 1,105,343".
- 14 2. By numbering and renumbering as necessary.

JOHN W. JENSEN

S-3721

- 1 Amend the House amendment, S-3302, to Senate File
- 2 119 as amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, by striking line 3, through page 2, line
- 5 2.
- 6 2. Page 2, by striking lines 38 through 46.

JOE WELSH

S-3722

- 1 Amend the amendment, S-3585, to House File 740, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 5 through 26 and
- 5 inserting the following:
- 6 ""Sec. ____ . Section 728.1, subsection 1, Code
- 7 1989, is amended to read as follows:
- 8 1. "Obscene material" is any material depicting or
- 9 describing the genitals, sex acts, masturbation,
- 10 excretory functions or sadomasochistic abuse which the
- 11 average person, taking the material as a whole and
- 12 applying contemporary community standards with respect
- 13 to what is suitable material for minors, would find
- 14 appeals to the prurient interest and is patently
- 15 offensive; and the material, taken as a whole, lacks
- 16 serious literary, scientific, political or artistic

17 value. "Harmful material" means any material that
18 meets all of the following conditions:

19 a. Taken as a whole, the average person, applying
20 contemporary community standards, would find the
21 material to have a tendency to excite lustful or
22 erotic thoughts in minors or appeal to the prurient
23 interest of minors in sex.

24 b. (1) Depicts a sex act, excretory functions,
25 sadomasochistic abuse, or lascivious exhibition of the
26 genitals, buttocks, or female breast.

27 (2) The depiction is in a way that is patently
28 offensive to prevailing standards in the adult
29 community with respect to what is suitable for minors.

30 c. A reasonable person would find, taken as a
31 whole, the material lacks serious literary, artistic,
32 political, or scientific value.

33 Sec. ____ . Section 728.1, Code 1989, is amended by
34 adding the following new subsection:

35 NEW SUBSECTION. 10. "Obscene material" means
36 material that meets all of the following conditions:

37 a. The average person, applying contemporary adult
38 community standards, would find that, taken as a
39 whole, the material appeals to the prurient interest
40 in sex.

41 b. Depicts any of the following:

42 (1) Patently offensive representations of sex
43 acts, actual or simulated.

44 (2) Patently offensive representations of
45 masturbation, excretory functions, sadomasochistic
46 abuse, or lascivious exhibition of the genitals,
47 actual or simulated.

48 c. A reasonable person would find, taken as a
49 whole, the material lacks serious literary, artistic,
50 political, or scientific value.

Page 2

1 Sec. ____ . NEW SECTION. 728.1A DETERMINATION OF
2 MATERIAL DEPICTING LASCIVIOUS EXHIBITION OF THE
3 GENITALS, BUTTOCKS, OR FEMALE BREAST.

4 In determining whether a depiction constitutes a
5 "lascivious exhibition of the genitals, buttocks, or
6 female breast", the trier of fact shall consider all
7 of the following factors:

8 1. Whether the focal point of the depiction is on
9 the genitals, buttocks, or female breast.

10 2. Whether the depiction of the setting is
11 sexually suggestive, such as when the setting is in a
12 place generally associated with sexual activity.

13 3. Whether the person is depicted in a pose

14 generally associated with sexual activity.

15 4. Whether the depiction suggests sexual coyness
16 or a willingness to engage in sexual activity.

17 5. Whether the depiction is intended or designed
18 to elicit a sexual response.

19 Not all of the factors need be involved for
20 material to depict "lascivious exhibition of the
21 genitals, buttocks, or female breast". The
22 determination shall be made based on the overall
23 content of the depiction.

24 Sec. ____ . Section 728.2, Code 1989, is amended to
25 read as follows:

26 728.2 DISSEMINATION AND EXHIBITION OF ~~OBSCENE~~
27 HARMFUL MATERIAL TO MINORS A MINOR.

28 ~~Any A~~ person, other than the parent or guardian of
29 the minor, who knowingly disseminates or exhibits
30 ~~obscene harmful~~ material to a minor, including the
31 exhibition of ~~obscene harmful~~ material so that it can
32 be observed by a minor on or off the premises where it
33 is displayed, is ~~guilty, of a public offense and shall~~
34 upon conviction, ~~be guilty~~ of a serious misdemeanor.

35 Sec. ____ . Section 728.3, Code 1989, is amended to
36 read as follows:

37 728.3 ADMITTING ~~MINORS A MINOR OR A CHILD TO~~
38 PREMISES WHERE ~~OBSCENE HARMFUL MATERIAL IS EXHIBITED.~~

39 1. A person who knowingly sells, gives, delivers,
40 or provides a minor who is not a child with a pass or
41 admits the minor to premises where ~~obscene harmful~~
42 material is exhibited is ~~guilty, of a public offense~~
43 ~~and~~ upon conviction, ~~is guilty~~ of a serious
44 misdemeanor.

45 2. A person who knowingly sells, gives, delivers,
46 or provides a child with a pass or admits a child to a
47 premise where ~~obscene harmful~~ material is exhibited is
48 ~~guilty, of a public offense and~~ upon conviction, ~~is~~
49 ~~guilty~~ of an aggravated misdemeanor.

50 Sec. ____ . Section 728.4, Code 1989, is amended to

Page 3

1 read as follows:

2 728.4 RENTAL OR SALE OF HARD CORE PORNOGRAPHY
3 OBSCENE MATERIALS.

4 1. A person who knowingly rents, sells, or offers
5 for rental or sale ~~obscene~~ material ~~depicting a sex~~
6 ~~act involving sadomasochistic abuse, excretory~~
7 ~~functions, or bestiality, which the average adult~~
8 ~~taking the material as a whole in applying~~
9 ~~contemporary community standards would find appeals to~~
10 ~~the prurient interest and is patently offensive; and~~

11 ~~which material, taken as a whole, lacks serious~~
 12 ~~literary, scientific, political, or artistic value, is~~
 13 ~~guilty, upon conviction, is guilty of an aggravated~~
 14 ~~misdemeanor. However, second and subsequent~~
 15 ~~violations of this subsection by a person who has~~
 16 ~~previously been convicted of violating this subsection~~
 17 ~~are class "D" felonies.~~

18 2. A person who knowingly imports or causes to be
 19 brought or sent into this state, for purposes of sale
 20 or rental, any obscene material is guilty, upon
 21 conviction, of a class "D" felony.

22 3. Charges under this section may only be brought
 23 by a county attorney or by the attorney general.

24 Sec. ____ . Section 728.6, Code 1989, is amended to
 25 read as follows:

26 728.6 CIVIL SUIT TO DETERMINE OBSCENITY OR THE
 27 SALE OR RENTAL OF MATERIAL HARMFUL TO A MINOR.

28 ~~Whenever~~ If the county attorney of ~~any a~~ county has
 29 reasonable cause to believe that ~~any a~~ person is
 30 engaged or plans to engage in the dissemination or
 31 exhibition of harmful material to a minor or obscene
 32 material within the county attorney's county, to
 33 ~~minors~~ the county attorney may institute a civil
 34 proceeding in the district court of the county to
 35 enjoin the dissemination or exhibition of ~~obscene~~
 36 harmful material to minors a minor or the sale or
 37 rental of obscene material. ~~Such~~ The application for
 38 injunction is optional and not mandatory and shall not
 39 be construed as a prerequisite to criminal prosecution
 40 for a violation of this chapter.

41 Sec. ____ . Section 728.10, Code 1989, is amended to
 42 read as follows:

43 728.10 AFFIRMATIVE DEFENSE.

44 In ~~any a~~ prosecution for disseminating or
 45 exhibiting ~~obscene~~ harmful material to ~~minors a minor~~,
 46 it is an affirmative defense that the defendant had
 47 reasonable cause to believe that the minor involved
 48 was eighteen years old or more and the minor exhibited
 49 to the defendant a draft card, driver's license, birth
 50 certificate, or other official or apparently official

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1 document purporting to establish that ~~such~~ the minor
 2 was eighteen years old or more or was accompanied by a
 3 parent or spouse eighteen years of age or more.

4 Sec. ____ . Section 728.11, Code 1989, is amended to
 5 read as follows:

6 728.11 UNIFORM APPLICATION.

7 In order to provide for the uniform application of

8 the provisions of this chapter relating to obscene
 9 ~~material applicable to minors or harmful material~~
 10 within this state, ~~it is intended that~~ the sole and
 11 only regulation of obscene or harmful material shall
 12 be under ~~the provisions of~~ this chapter, and ~~no a~~
 13 municipality, county, or other governmental unit
 14 within this state shall not make ~~any a~~ law, ordinance,
 15 or regulation relating to the availability of obscene
 16 ~~materials or harmful material~~. All such laws,
 17 ordinances, or regulations ~~shall be or become~~ are
 18 void, unenforceable, and of no effect on January 1,
 19 1978. ~~Nothing in this~~ This section ~~shall~~ does not
 20 restrict the zoning authority of cities and
 21 counties.””

RAY TAYLOR

S-3723

1 Amend Senate File 512 as follows:
 2 1. Page 5, line 24, by inserting after the word
 3 “defense” the following: “if requested by the
 4 department of public defense anytime after the initial
 5 required filing”.

RICHARD F. DRAKE

S-3724

1 Amend House File 723 as amended, passed, and re-
 2 printed by the House as follows:
 3 1. Page 12, by striking lines 32 through 33 and
 4 inserting the following: “weeds growing ~~on primary~~
 5 roads on the roads under their”.

JOHN W. JENSEN
 JEAN LLOYD-JONES

S-3725

1 Amend Senate File 512 as follows:
 2 1. Page 5, line 24, by striking the word
 3 “annually”.
 4 2. Page 5, line 26, by inserting after the word
 5 “commission.” the following: “After initial
 6 submission, a plan need not be resubmitted unless
 7 revisions are requested by the commission.”

- 8 3. Page 5, line 31, by striking the word "annual"
9 and inserting the following: "initial".
10 4. Page 5, line 32, by inserting after the word
11 "plan" the following: "or a revised plan requested by
12 the commission".

RICHARD F. DRAKE

S-3726

- 1 Amend amendment, S-3190, to Senate File 220 as
2 follows:
3 1. Page 2, by striking lines 31 through 38.

WILLIAM DIELEMAN

S-3727

- 1 Amend amendment S-3134 to Senate File 220 as
2 follows:
3 1. By striking page 1, line 49, through page 2,
4 line 2.
5 2. Page 2, by striking lines 6 through 10.

WILLIAM W. DIELEMAN

S-3728

- 1 Amend Senate File 220 as follows:
2 1. Page 1, by striking lines 17 through 22.

WILLIAM W. DIELEMAN

S-3729

- 1 Amend amendment, S-3190, to Senate File 220 as
2 follows:
3 1. Page 5, by striking line 6.
4 2. Page 5, by striking lines 15 through 17.

WILLIAM DIELEMAN

S-3730

- 1 Amend House File 529, as passed by the House, as
2 follows:

3 1. Page 1, line 3, by inserting after the word
 4 "restaurant," the following: "food establishment,
 5 food service establishment,".

RICHARD VARN

S-3731

1 Amend Senate File 517 as follows:
 2 1. Page 5, by inserting after line 29 the
 3 following:
 4 "___ . The department of general services shall not
 5 change the appropriations for the purposes designated
 6 in subsections 1 through 8 from the amounts
 7 appropriated under those subsections unless notice of
 8 the revisions is given prior to their effective date
 9 to the legislative fiscal bureau. The notice shall
 10 include information on the department's rationale for
 11 making the changes."
 12 2. Page 12, by inserting after line 2 the
 13 following:
 14 "___ . The department of revenue and finance shall
 15 not change the appropriations for the purposes
 16 designated in subsections 1 through 11 from the
 17 amounts appropriated under those subsections unless
 18 notice of the revisions is given prior to their
 19 effective date to the legislative fiscal bureau. The
 20 notice shall include information on the department's
 21 rationale for making the changes."
 22 3. By numbering and renumbering as necessary.

MICHAEL E. GRONSTAL

S-3732

1 Amend Senate File 517 as follows:
 2 1. Page 17, by striking line 16 and inserting the
 3 following:
 4 "Sec. ___ . The operational".

MICHAEL E. GRONSTAL

S-3733

1 Amend Senate File 517 as follows:
 2 1. Page 10, line 32, by striking the figure
 3 "3,719,790" and inserting the following: "3,785,607".

- 4 2. Page 11, line 1, by striking the figure
5 "832,842" and inserting the following: "846,434".
6 3. Page 11, line 5, by striking the figure
7 "1,687,273" and inserting the following: "1,691,575".
8 4. Page 11, line 9, by striking the figure
9 "1,266,422" and inserting the following: "1,274,329".
10 5. Page 11, line 13, by striking the figure
11 "2,062,843" and inserting the following: "2,101,218".
12 6. Page 11, line 17, by striking the figure
13 "2,966,066" and inserting the following: "2,966,555".
14 7. Page 11, line 21, by striking the figure
15 "1,073,312" and inserting the following: "1,085,212".
16 8. Page 11, line 25, by striking the figure
17 "972,301" and inserting the following: "1,027,195".
18 9. Page 11, line 29, by striking the figure
19 "2,699,287" and inserting the following: "2,706,890".
20 10. Page 11, line 33, by striking the figure
21 "736,790" and inserting the following: "727,520".
22 11. Page 12, line 2, by striking the figure
23 "1,075,322" and inserting the following: "1,100,713".
24 12. Page 12, by striking lines 15 through 17, and
25 inserting the following: "every dollar expended in
26 fiscal year 1990. The director shall report at
27 least".
28 13. By striking page 12, line 35 through page 13,
29 line 6.
30 14. Page 13, by striking lines 17 through 20.
31 15. Page 14, by striking lines 7 and 8, and
32 inserting the following: "sources, plus an allocation
33 for salary adjustment, may be expended for salaries
34 and".
35 16. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3734

- 1 Amend House File 740, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 5, by inserting before line 5 the
4 following:
5 "Sec. —. NEW SECTION. 728.16 MATERIAL HARMFUL
6 TO INMATES.
7 1. As used in this section, "material harmful to
8 inmates" means any material that meets all of the
9 following:
10 a. Taken as a whole, the average person, applying
11 contemporary community standards, would find the
12 material to have a tendency to excite lustful or

13 erotic thoughts in inmates or appeal to the prurient
14 interest in sex of inmates.

15 b. (1) Depicts a sex act, excretory functions,
16 sadomasochistic abuse, or exhibition of the genitals,
17 buttocks, or female breast.

18 (2) The depiction is in a way that is patently
19 offensive to prevailing standards in the community
20 with respect to what is suitable for inmates.

21 c. Taken as a whole, the material lacks serious
22 literary, artistic, political, or scientific value.

23 2. It is the belief of the general assembly that
24 the availability or possession of material harmful to
25 inmates represents a potential danger to the community
26 and to personnel of the Iowa department of
27 corrections. Material harmful to an inmate shall not
28 be available or disseminated to an inmate. The Iowa
29 department of corrections shall not provide a room or
30 facility for the viewing of material which could be
31 considered harmful to inmates."

WILLIAM W. DIELEMAN

S-3735

1 Amend Senate File 517 as follows:

2 1. Page 8, line 32, by striking the words "renovation,
3 restoration, or".

BILL HUTCHINS
CALVIN O. HULTMAN

S-3736

1 Amend Senate File 517 as follows:

2 1. Page 1, line 9, by striking the figure
3 "1,537,449" and inserting the following: "1,608,849".
4 2. Page 1, line 10, by striking the figure "46.0"
5 and inserting the following: "47.0".

JOE WELSH

S-3737

1 Amend Senate File 520 as follows:

2 1. Page 7, by inserting before line 34, the
3 following:
4 "As a condition, qualification, and limitation of

5 the funds appropriated under this subsection, the
6 future research institute shall identify and examine
7 broad, long-term trends in Iowa with implications for
8 economic activity within the state, including trends
9 relating to changing family composition, youth
10 preparation for the labor force, regional poverty, and
11 societal aging. The institute shall seek to make use
12 of resources available within Iowa's institutions of
13 higher education wherever possible. The institute
14 shall provide to the general assembly by January 1,
15 1990, the institute's work schedule for the fiscal
16 years beginning July 1, 1989, July 1, 1990, and July
17 1, 1991, including but not limited to the research
18 that will be completed within the institute and the
19 research that will be completed by contract with other
20 entities. The department shall make use of the future
21 research institute in meeting the department's
22 responsibilities under sections 15.104 and 15.108,
23 subsection 9."

CHARLES BRUNER

S-3738

1 Amend House File 686, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 1, line 15, by inserting after the word
4 "factory" the following: "and the farm".
5 2. Page 2, by striking line 34 and inserting the
6 following: "manufacturing, persons in large business
7 manufacturing, and persons in agriculture."
8 3. Page 4, by inserting before line 29 the fol-
9 lowing:
10 "17. To consult with representatives of Iowa's
11 agricultural enterprise."
12 4. Page 6, line 7, by inserting after the word
13 "centers," the following: "the extension service of
14 Iowa state university of science and technology,".
15 5. Page 7, by striking line 31 and inserting the
16 following:
17 "d. Machinery, equipment, or livestock."
18 6. Page 7, by inserting before line 32 the
19 following:
20 "e. Agricultural land for research purposes."
21 7. Page 8, line 17, by striking the words "and

22 industry” and inserting the following: “, industry,
23 and agriculture”.

RICHARD VARN
LINN FUHRMAN
JOHN KIBBIE

S-3739

1 Amend amendment, S-3190, to Senate File 220, as
2 follows:

3 1. Page 4, by striking lines 10 through 47, and
4 inserting the following:

5 “1. The department of agriculture and land
6 stewardship shall oversee a program to adopt dogs
7 eligible to race under this chapter. The department
8 shall solicit applications from nonprofit
9 organizations to carry out the program. The
10 department shall select one or more organizations from
11 each track to implement the program and enter into a
12 contract with the organization selected.

13 Funds appropriated for the program shall be used
14 for the administrative costs of the department to
15 administer and oversee the program and to compensate
16 the contracted organization for operating the program.
17 In making the selection, the department shall assess
18 the ability of the organization to carry out the
19 objectives of the program. The department shall adopt
20 rules relating to the operation of the program and
21 oversight of the contracted organization.

22 2. A contracted organization selected under
23 subsection 1 shall identify dogs that are potential
24 candidates for adoption. The contracted organization
25 shall evaluate each dog to ensure that all of the
26 following conditions are met:

27 a. The dog is of a breed eligible for racing under
28 this chapter.

29 b. The dog has a disposition compatible as a pet
30 residing within a household.

31 c. The dog is free of disease or disability
32 requiring extensive medical treatment.

33 d. The dog has either raced at one of the tracks
34 licensed under this chapter or is owned by a resident
35 of Iowa.

36 3. After determining that a dog is eligible to be
37 placed for adoption under this program, the contracted
38 organization shall attempt to place the dog in a home
39 suitable for the dog. If a suitable home is located,
40 the organization shall arrange for ownership of the

41 dog to be transferred from the owner of the dog to the
42 person who is adopting the dog. A dog shall not be
43 transferred to a person for purposes related to
44 racing, breeding, hunting, laboratory research, or
45 scientific experimentation. The organization shall
46 transfer information relating to the dog to the new
47 owner. A dog eligible to race under this chapter
48 shall not be given away, except through a contracted
49 organization.

50 4. The contracting organization may destroy a dog

Page 2

1 if the dog becomes seriously diseased or disabled or
2 the dog has not been transferred to a new owner within
3 a period of time established by the department. The
4 contracting organization shall destroy a dog only by
5 use of euthanasia as defined in section 162.2. The
6 department shall maintain a list of all dogs that have
7 been destroyed.

8 5. Before transferring ownership of a dog to a new
9 owner, the contracting organization shall do both of
10 the following:

11 a. Ensure that the dog is sterilized according to
12 accepted veterinary procedures.

13 b. Keep the dog in a sound and healthy condition,
14 including providing the dog with necessary
15 vaccinations.

16 6. The contracting organization may charge the
17 adopting person the necessary expenses actually
18 incurred in having the dog sterilized, vaccinated, or
19 treated.

20 7. The department shall periodically inspect the
21 operations and records of each contracting
22 organization to ensure compliance with this section
23 and to ensure a facility operated by or for the
24 contracting organization under this program is
25 complying with chapter 162 and rules adopted pursuant
26 to that chapter. The department may suspend or revoke
27 the contracting organization's participation in the
28 program if the department finds the organization is
29 not complying with the requirements of this section or
30 rules adopted by the department.

31 8. The state and state personnel are not liable
32 for any claim that might be brought resulting from an
33 adoption of a dog under this program."

S-3740

1 Amend amendment, S-3634, to House File 250, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, line 22, by inserting after the word
 5 "sex." the following: "A person shall not be
 6 prohibited from the free exercise of the person's
 7 religion including, but not limited to, prayer
 8 associated with a public or nonpublic school
 9 ceremony."

RICHARD VANDE HOEF

S-3741

1 Amend House File 373, as amended, passed, and
 2 reprinted by the House, as follows:

DIVISION S—3741A

3 1. Page 1, by striking line 26 and inserting the
 4 following: "to chapter 28E with a local board of
 5 health or multiple boards of health representing
 6 contiguous areas to provide for".

DIVISION S—3741B

7 2. Page 2, by striking lines 11 through 15 and
 8 inserting the following:
 9 "4. Collect fees as established pursuant to the
 10 following schedule:
 11 a. A fee of three hundred fifty dollars for the
 12 inspection, regulation, and registration of a class
 13 "A" pool. As used in this paragraph, "class "A" pool"
 14 means a pool which is larger than fifteen hundred
 15 square feet.
 16 b. A fee of two hundred fifty dollars for the
 17 inspection, regulation, and registration of a class
 18 "B" pool. As used in this paragraph "class "B" pool"
 19 means a pool which is fifteen hundred square feet or
 20 smaller.
 21 c. A fee of one hundred dollars for the
 22 inspection, regulation, and registration of a special
 23 category of areas including but not limited to wading
 24 pools and spas which are inspected, regulated, and
 25 registered pursuant to this chapter.
 26 d. Notwithstanding the fee under paragraph "c", a
 27 fee of seventy-five dollars for the inspection,

28 regulation, and registration of a specialty category
29 area including but not limited to wading pools and
30 spas, if a class "A" or class "B" pool is located in
31 the same facility and is being inspected
32 simultaneously.

33 Notwithstanding the fee schedule established in
34 this subsection, if a local board of health or
35 multiple boards of health in a contiguous area enter
36 into an agreement pursuant to chapter 28E to provide
37 for inspection and enforcement in accordance with this
38 chapter, the local board or boards may establish a fee
39 schedule and collect fees in accordance with that
40 schedule. However, the fees established shall not
41 exceed those fees established in paragraphs "a"
42 through "e."

43 3. Page 2, line 18, by inserting after the word
44 "fees" the following: "in accordance with the
45 schedule prescribed in subsection 4".

DIVISION S—33741A (cont'd.)

46 4. Page 2, by striking lines 22 through 30 and
47 inserting the following:
48 "6. Enter into agreements with a local board of
49 health or local boards of health in a contiguous area
50 to implement the inspection and enforcement provisions

Page 2

DIVISION S—33741A (cont'd.)

1 of this chapter. The agreements shall provide that
2 the fees established by the local board or boards of
3 health for inspection and enforcement shall be
4 retained by the local board or boards. A local board
5 of health or boards of health in a contiguous area may
6 enter into such an agreement with the department.
7 However, inspection fees shall not be charged by".

8 5. Page 3, line 6, by inserting after the word
9 "board" the following: "or boards".

10 6. Page 3, line 10, by inserting after the word
11 "board" the following: "or boards".

12 7. Page 3, line 18, by inserting after the word
13 "board" the following: "or boards".

14 8. By renumbering as necessary.

LINN FUHRMAN
JULIA GENTLEMAN

S-3742

1 Amend House File 740, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. By striking page 1, line 20 through page 2,
 4 line 5 and inserting the following:
 5 "Sec. ____ . Section 728.4, Code 1989, is amended to
 6 read as follows:
 7 728.4 RENTAL OR SALE OF HARD CORE PORNOGRAPHY.
 8 A person who knowingly rents, sells, or offers for
 9 rental or sale material depicting a sex act involving
 10 sadomasochistic abuse, excretory functions, or
 11 bestiality, which the average adult taking the
 12 material as a whole in applying contemporary community
 13 standards would find appeals to the prurient interest
 14 and is patently offensive; and which material, taken
 15 as a whole, lacks serious literary, scientific,
 16 political, or artistic value, upon conviction is
 17 guilty of an aggravated misdemeanor. Charges under
 18 this section may only be brought by a county attorney
 19 or by the attorney general."

LARRY MURPHY

S-3743

1 Amend the amendment, S-3630, to House File 313 as
 2 amended, passed and reprinted by the House as follows:
 3 1. Page 1, by inserting after line 47 the
 4 following:
 5 "Sec. ____ . Section 403.17, subsection 20, Code
 6 1989, is amended to read as follows:
 7 20. "Economic development area" means an area of a
 8 municipality designated by the local governing body as
 9 appropriate for commercial and industrial enterprises.
 10 Such designated area shall not include land which is
 11 part of a century farm.
 12 Sec. ____ . This Act, being deemed of immediate
 13 importance, takes effect upon enactment."
 14 2. Page 2, line 3, by inserting after the word
 15 "property" the following: "and certain designated
 16 municipal property, and providing an effective date".

JOE WELSH
 EMIL J. HUSAK
 BERL E. PRIEBE
 JOHN E. SOORHOLTZ
 JIM LIND

S-3744

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

3 1. Page 3, line 2, by inserting after the word
4 "offense." the following: "However, "class II
5 forfeitable property" does not include property which
6 had, or which was intended to have had, a substantial
7 role in the commission of a criminal offense defined
8 as a simple or serious misdemeanor."

9 2. Page 4, line 28, by inserting after the figure
10 "1." the following: "Seized property which was
11 seizable property, as defined in section 809.1,
12 subsection 1, paragraph "c", at the time of seizure,
13 is not subject to forfeiture and shall be returned
14 without hearing when the property no longer poses an
15 imminent danger to a person's health, safety, or
16 welfare."

17 3. Page 7, line 28, by inserting after the word
18 "forfeiture." the following: "The forfeitable
19 property shall not be disposed of until the expiration
20 of a period of thirty days following the person's
21 conviction. If rehearing is requested, the
22 forfeitable property shall not be disposed of until
23 the rehearing is concluded."

24 4. Page 7, line 31, by inserting after the word
25 "ownership" the following: "interest exceeding a
26 value of five hundred dollars".

27 5. Page 8, line 29 by inserting after the words
28 "to the attorney general" the following: "for
29 disposition and use".

TOM MANN, Jr.

S-3745

1 Amend House File 579, as passed by the House, as
2 follows:

DIVISION S—3745A

3 1. Page 1, line 5, by striking the words "and
4 because of that illness" and inserting the following:
5 "and because of that illness that impairs the person's
6 thought processes or distorts the person's perception
7 of reality so that the person".

DIVISION S—3745B

8 2. Page 2, by inserting after line 21, the
9 following:
10 "Sec. ____ . Section 229.23, subsection 1, Code
11 1989, is amended to read as follows:
12 1. Prompt evaluation, emergency psychiatric
13 services, and care and treatment ~~as indicated by sound~~
14 medical practice in accordance with a comprehensive
15 individualized treatment program developed by
16 appropriately qualified mental health professionals,
17 including a psychiatrist. The treatment program shall
18 be consistent with current standards for hospitals for
19 psychiatric treatment planning and shall not consist
20 solely of chemotherapy, unless that type of treatment
21 program is supported by sufficient psychiatric and
22 medical opinion."

DIVISION S—3745C

23 3. Page 2, by inserting after line 30, the
24 following:
25 "Sec. ____ . SUPREME COURT TASK FORCE.
26 The supreme court is requested to establish a task
27 force on involuntary hospitalization to do the
28 following:
29 1. Recommend methods for improving the consistent
30 application of chapters 125, 229, and 232.
31 2. Recommend educational programs, topics, and
32 materials and determine costs associated with
33 providing voluntary education programs to judicial
34 hospitalization referees, patient advocates, and to
35 members of the bar and medical community who are
36 involved in involuntary hospitalization.
37 3. Investigate the constitutionality of section
38 125.82, subsection 5, and section 125.83 and make
39 appropriate recommendations.
40 4. Prepare a report describing and explaining
41 prehearing screening and monitoring of medication
42 programs which have been established in other states.
43 The task force shall report its findings and any
44 recommendations to the supreme court and the
45 legislative council by January 31, 1990. The
46 legislative service bureau shall staff the task
47 force."
48 4. By renumbering as necessary.

AL STURGEON

S-3746

1 Amend House File 728, as passed by the House, as
2 follows:
3 1. Page 2, by inserting after line 6 the
4 following:
5 "Sec. ____ . Section 446.9, subsection 2, Code 1989,
6 is amended to read as follows:
7 2. Publication of the time and place of the annual
8 tax sale shall be made once by the treasurer in an
9 official newspaper in the county at least one week,
10 but not more than three weeks, before the day of sale.
11 The publication shall contain a description of the
12 real estate to be sold that is clear, concise, and
13 sufficient to distinguish the real estate to be sold
14 from all other parcels. All items offered for sale
15 pursuant to section 446.18 may be indicated by an "s"
16 or by an asterisk. The publication shall also contain
17 the name of the person in whose name the real estate
18 to be sold is taxed, the amount of delinquent taxes,
19 both regular and special, for which the real estate is
20 liable for each year, the amount of the penalty,
21 interest, and ~~ten dollars representing the actual~~
22 costs of publication, all to be incorporated as a
23 single sum. The publication shall contain a statement
24 that, after the sale, if the real estate is not
25 redeemed within the period provided in chapter 447,
26 the right to redeem expires and a deed may be issued."
27 2. Title page, line 7, by inserting after the
28 word "made," the following: "by providing for the
29 payment of the publication cost of the annual tax
30 sale,".

BERL E. PRIEBE
TOM MANN, Jr.

S-3747

1 Amend House File 728, as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 15 through 22.

WILMER RENSINK

HOUSE AMENDMENT TO
SENATE FILE 474

S-3748

- 1 Amend Senate File 474, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 17, by striking the word
- 4 "premises" and inserting the following: "premise".
- 5 2. Page 1, line 20, by striking the words
- 6 "Movement permit" and inserting the following:
- 7 "Certificate of inspection".
- 8 3. Page 1, line 20 by striking the word "issued"
- 9 and inserting the following: "approved".
- 10 4. Page 1, line 21, by striking the word
- 11 "agriculture," and inserting the following:
- 12 "agriculture or".
- 13 5. Page 1, line 22 by striking the words "or a"
- 14 and inserting the following: "and issued by a".
- 15 6. Page 1, line 24, by striking the word "permit"
- 16 and inserting the following: "certificate of
- 17 inspection".
- 18 7. Page 1, line 25, by striking the words "The
- 19 number and description" and inserting the following:
- 20 "The number, description, and identification".
- 21 8. By striking page 1, line 34 through page 2,
- 22 line 2 and inserting the following:
- 23 "___ . "Differentiable test" means a laboratory
- 24 procedure approved by the department to diagnose
- 25 pseudorabies. The procedure must be capable of
- 26 recognizing and distinguishing between vaccine-exposed
- 27 and field-pseudorabies-virus-exposed swine.
- 28 ___ . "Test" means a serum neutralization (SN)
- 29 test, virus isolation test, ELISA test, or other test
- 30 approved by the department and performed by a
- 31 laboratory approved by the department."
- 32 9. Page 2, by inserting after line 4 the
- 33 following:
- 34 "___ . "Differentiable vaccinate" means a swine
- 35 which has only been exposed to a differentiable
- 36 vaccine."
- 37 10. Page 2, line 10 by striking the words "an
- 38 animal" and inserting the word "livestock".
- 39 11. Page 2, line 14 by inserting after the word
- 40 "livestock." the following: "Swine released from
- 41 quarantine are no longer considered exposed."
- 42 12. Page 2, line 16 by striking the words "an
- 43 animal" and inserting the following: "livestock".
- 44 13. Page 2, line 22 by striking the word
- 45 "vaccinate".

- 46 14. Page 2, line 24 by striking the word
47 "vaccinate".
48 15. Page 2, line 27 by striking the word
49 "vaccinate".
50 16. Page 3, line 1 by striking the words "which

Page 2

- 1 has" and inserting the following: "in which the
2 animals have".
3 17. Page 3, by striking lines 7 through 9 and
4 inserting the following:
5 "_. "Herd of unknown status" means all swine
6 except swine which are part of a known infected herd,
7 swine known to have been exposed to pseudorabies, or
8 swine which are part of a noninfected herd."
9 18. Page 3, by striking lines 17 through 21 and
10 inserting the following:
11 "_. "Monitored herd" means a herd of swine,
12 including a feeder swine herd, which has been
13 determined within the past twelve months not to be
14 infected, according to a statistical sampling."
15 19. Page 3, by striking lines 30 through 34.
16 20. Page 4, line 18, by striking the words
17 "infected animals" and inserting the following:
18 "infected swine".
19 21. Page 4, line 20, by inserting after the word
20 "slaughter" the following: "under a transportation
21 certificate".
22 22. Page 4, by striking line 22 and inserting the
23 following: "a certificate of inspection."
24 23. Page 4, by striking lines 25 through 33 and
25 inserting the following: "activity."
26 "_. "Area eradication activity" means activities
27 related to testing herds for purposes of evaluation
28 and control of swine within a program area to achieve
29 pseudorabies eradication within the area.
30 "_. "Pseudorabies" means the contagious,
31 infectious, and communicable disease of livestock and
32 other animals known as Aujeszky's disease, mad itch,
33 or infectious bulbar paralysis."
34 24. Page 5, by striking lines 1 through 4 and
35 inserting the following: "supervision and control of
36 the department. Swine in a quarantined herd may be
37 moved only to an approved premise for feeding or to a
38 recognized slaughtering establishment for slaughter.
39 Either movement may be completed through a
40 concentration point in compliance with section
41 166D.12."
42 25. Page 5, line 7 by inserting after the word

- 43 "test" the following: "or differentiable test".
44 26. Page 5, line 33 by striking the word
45 "resale," and inserting the following: "resale for".
46 27. Page 6, by inserting after line 8, the
47 following:
48 "____. "Feeder swine" means a porcine animal fed
49 for purposes of direct slaughter, including feeder
50 pigs, cull sows, and boars. However, "feeder swine"

Page 3

- 1 does not include animals kept for purposes of breeding
2 or reproduction.
3 ____ . "Feeder pig" means an immature swine fed for
4 purposes of direct slaughter which is less than
5 slaughter weight.
6 ____ . "Transportation certificate" means the same
7 as provided in chapter 172B."
8 28. Page 6, by striking lines 14 through 16 and
9 inserting the following: "four members must be
10 actively engaged in swine production. The members
11 shall serve".
12 29. Page 6, line 17 by striking the word "six"
13 and inserting the following: "two".
14 30. Page 6, line 20 by inserting after the word
15 "reappointment" the following: "for three successive
16 terms".
17 31. Page 8, line 2 by striking the word
18 "district" and inserting the following: "director".
19 32. Page 8, line 17 by inserting before the word
20 "proxy" the following: "written".
21 33. Page 8, line 31 by striking the word
22 "producer" and inserting the following: "producer's
23 address".
24 34. By striking page 8, line 34 through page 9,
25 line 4 and inserting the following:
26 "Once a program has been designated, an owner of
27 an".
28 35. Page 9, line 5, by striking the word "sixty"
29 and inserting the following: "thirty".
30 36. Page 9, line 6, by inserting after the word
31 "cooperator" the following: "herd".
32 37. Page 9, line 8, by striking the words
33 "cleanup plan after sixty days" and inserting the
34 following: "cooperator herd cleanup plan".
35 38. Page 9, by striking lines 16 through 20 and
36 inserting the following:
37 "2. A concentration point within the program area
38 may market all classes of swine. Swine taken to a
39 concentration point must be held there until transfer.

40 However, untested, known infected, or exposed swine
41 shall be transferred from the concentration point
42 within three days only to persons moving the swine
43 outside the program area."

44 39. Page 9, by striking lines 25 and 26 and
45 inserting the following:

46 "a. Only noninfected herd swine may move into the
47 program area."

48 40. Page 9, line 29 by striking the words "pig
49 cleanup" and inserting the following: "pig cooperators
50 herd".

Page 4

1 41. Page 9, line 32 by inserting after the word
2 "origin." the following: "Swine moving into a program
3 area may be inspected by the department within thirty
4 days from the swine's arrival."

5 42. Page 10, by striking lines 3 through 5 and
6 inserting the following: "department, receive new
7 swine from noninfected herds."

8 43. Page 10, line 6 by inserting after the word
9 "cost" the following: ", or any segment of the
10 cost,".

11 44. Page 10, lines 10 and 11, by striking the
12 words "An indemnity shall not be paid for condemned
13 animals."

14 45. Page 10, line 25 by inserting after the word
15 "veterinarian." the following: "If the test is
16 determined by a laboratory located outside the state
17 of Iowa, the person whose animal has been tested shall
18 be responsible for assuring that the result is
19 reported to the department within fourteen days
20 following completion of the test."

21 46. Page 12, line 2 by inserting after the word
22 "recognized" the following: "as a noninfected herd".

23 47. Page 12, line 15 by striking the words
24 "reacting negatively to a test".

25 48. Page 12, line 16, by inserting after the word
26 "equal" the following: "to".

27 49. Page 12, line 17, by striking the word
28 "reacting" and inserting the following: "react."

29 50. Page 12, by striking lines 27 and 28 and
30 inserting the following: "of the herd is determined
31 to be noninfected."

32 51. Page 12, lines 32 and 33, by striking the
33 words "breeding herd reacts negatively to a test" and
34 inserting the following: "herd is determined to be
35 noninfected".

36 52. By striking page 12, line 35 through page 13,

- 37 line 11 and inserting the following:
38 "c. A monitored herd may receive new swine into
39 the herd from a noninfected herd."
40 53. Page 13, line 19 by inserting after the word
41 "of" the following: "infected swine from".
42 54. Page 13, line 21 by striking the word
43 "cooperative" and inserting the following:
44 "cooperator".
45 55. Page 13, line 32 by striking the word "has"
46 and inserting the following: "have".
47 56. Page 14, lines 4 and 5 by striking the words
48 "Testing and vaccination shall be done at the owner's
49 expense."
50 57. Page 14, line 6 by striking the word

Page 5

- 1 "fourteen" and inserting the following: "thirty".
2 58. Page 14, line 7, by inserting after the word
3 "quarantined." the following: "An infected herd which
4 is not subject to a herd cleanup plan or a feeder pig
5 cooperator herd plan is a quarantined herd."
6 59. Page 14, line 14, by striking the words
7 "movement permit" and inserting the following:
8 "transportation certificate".
9 60. Page 14, line 16, by striking the word
10 "permit" and inserting the following: "certificate of
11 inspection".
12 61. Page 14, by striking lines 20 and 21 and
13 inserting the following:
14 "___ . A herd shall be released from quarantine
15 when no animal,".
16 62. Page 14, line 22, by striking the word
17 "livestock" and inserting the following:
18 "livestock,".
19 63. Page 15, line 8 by striking the words and
20 figures "7 C.F.R. pt. 4" and inserting the following:
21 "federal regulations".
22 64. Page 15, lines 12 and 13 by striking the
23 words "7 C.F.R. pt. 4" and inserting the following:
24 "federal regulations".
25 65. Page 15, by striking lines 14 and 15 and
26 inserting the following:
27 "a. All swine present on the date the quarantine
28 was imposed have been removed."
29 66. Page 15, line 22 by inserting after the word
30 "samplings" the following: "ninety days apart".
31 67. Page 15, line 30, by striking the word "pigs"
32 and inserting the following: "swine".
33 68. Page 16, line 2 by inserting after the word

- 34 "purchases" the following: "and sales".
35 69. Page 16, line 6 by inserting after the word
36 "premises." the following: "However, cull sows and
37 boars may be maintained, if fed out to slaughter."
38 70. Page 16, line 7, by striking the word "pigs"
39 and inserting the following: "swine".
40 71. Page 16, line 8 by striking the words "or
41 before".
42 72. Page 16, line 9 by striking the word "and"
43 and inserting the following: "of".
44 73. Page 16, by striking lines 11 and 12 and
45 inserting the following:
46 "e. Dead swine must be disposed of in accordance
47 with chapter 167. The dead swine must be held so as
48 to".
49 74. Page 16, by striking line 16 and inserting
50 the following: "by a transportation certificate or to

Page 6

- 1 another approved premise with a certificate of
2 inspection."
3 75. Page 16, lines 17 and 18 by striking the
4 words "to be established with a program area or".
5 76. Page 16, line 31 by striking the words
6 "movement permit" and inserting the following:
7 "certificate of inspection".
8 77. Page 16, line 34, by striking the word
9 "permit's" and inserting the following: "certificate
10 of inspection's".
11 78. Page 17, line 1 by striking the words "permit
12 that the feeder pig" and inserting the following:
13 "certificate of inspection that the feeder swine".
14 79. Page 17, by striking lines 3 through 25 and
15 inserting the following:
16 "Swine moved into or within Iowa for breeding
17 purposes must originate from a herd not under
18 quarantine which is one of the following:
19 a. A herd classified as a qualified negative herd.
20 b. A controlled vaccinated herd which complies
21 with the provisions of section 166D.7, subsection 2.
22 c. Swine which have individually reacted
23 negatively to testing within the past thirty days."
24 80. Page 18, by striking lines 1 and 2 and
25 inserting the following:
26 "c. A feeder pig in a known infected herd shall be
27 subject to restricted movement by certificate of
28 inspection and only to an approved premise."
29 81. Page 18, line 8 by inserting after the word
30 "slaughter" the following: "or to an approved premise

31 by certificate of inspection”.

32 82. Page 18, by striking lines 11 through 20 and
33 inserting the following: “movement restrictions, the
34 swine shall be restricted to the same extent as the
35 swine which are subject to the most movement
36 restrictions. After movement of infected swine or
37 swine of unknown origin through the concentration
38 point, the concentration point must be thoroughly
39 cleaned and disinfected. The cleaned and disinfected
40 concentration point must be inspected by a
41 veterinarian.”

42 83. Page 18, by striking lines 30 through 32, and
43 inserting the following:

44 “e. A feeder pig moving through a concentration
45 point in this manner may move through a concentration
46 point after thirty days as a pig of unknown origin,
47 unless the pig reacts negatively to a test.”

48 84. Page 19, line 2, by striking the word “the”
49 and inserting the word “all”.

50 85. Page 19, by striking lines 4 through 8.

Page 7

1 86. Page 19, lines 12 and 13, by striking the
2 words “or reacting negatively to a test”.

3 87. Page 19, line 19, by striking the words “A
4 feeder pig” and inserting the following: “The feeder
5 pigs”.

6 88. Page 19, line 24, by striking the words “or
7 reacting negatively to a test”.

8 89. Page 19, by striking line 29 and inserting
9 the following:

10 “b. Only owners with approved premise permits are
11 eligible”.

12 90. Page 19, by striking lines 32 through 34 and
13 inserting the following:

14 “c. The swine after movement through the
15 concentration point must be quarantined to slaughter
16 or moved to slaughter.”

17 91. Page 20, by inserting after line 9 the fol-
18 lowing:

19 “4. Rules controlling exhibition movement require-
20 ments may be adopted by the department in addition to
21 the requirements of this section.”

22 92. Page 20, by striking lines 26 and 27 and in-
23 serting the following: “the owner or the owner’s
24 agent. The report shall be mailed to the”.

25 93. Page 20, line 32, by inserting after the word
26 “test.” the following: “The swine must be identified

27 as differentiable vaccinated animals.”

28 94. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 79

S-3749

1 Amend Senate File 79 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 4, line 25, by striking the words “two
4 hundred fifty” and inserting the following: ~~two~~ three
5 hundred ~~fifty~~”.

6 2. Page 5, line 22, by striking the word “four”
7 and inserting the following: “three”.

8 3. Page 5, line 27, by striking the word “two”
9 and inserting the following: “three”.

10 4. Page 6, line 1, by striking the word “four”
11 and inserting the following: “three”.

12 5. Page 6, line 6, by striking the word “two” and
13 inserting the following: “three”.

14 6. Page 6, line 14, by striking the word “two”
15 and inserting the following: “three”.

16 7. Page 6, line 15, by striking the word “fifty”.

17 8. Page 15, by striking lines 14 through 19.

18 9. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 149

S-3750

1 Amend Senate File 149 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 256.9, Code 1989, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 35. Develop model guidelines for
8 district in-service training programs for truancy
9 officers.”

10 2. Page 1, by striking lines 18 and 19, and
11 inserting the following: “policy which shall require
12 each child to attend school for at least one hundred
13 forty-eight days, to be met by attendance for at
14 least”.

15 3. Page 1, line 32, by striking the words

- 16 "~~sixteen eighteen~~" and inserting the following:
 17 "sixteen".
- 18 4. Page 2, by striking lines 21 through 25, and
 19 inserting the following:
 20 "2. Whose educational qualifications are equal to
 21 those of pupils who have completed the eighth grade."
 22 5. Page 3, by striking line 6 and inserting the
 23 following:
 24 "7. Who is exempted under section".
- 25 6. Page 3, line 22, by striking the words
 26 "~~sixteen eighteen~~" and inserting the following:
 27 "sixteen".
- 28 7. Page 3, line 34, by striking the words
 29 "~~sixteen eighteen~~" and inserting the following:
 30 "sixteen".
- 31 8. Page 4, line 17, by striking the words
 32 "~~sixteen eighteen~~" and inserting the following:
 33 "sixteen".
- 34 9. Page 5, line 2, by inserting after the word
 35 "service." the following: "If mediation services are
 36 not available in the community, mediation shall be
 37 provided by the county attorney or the county
 38 attorney's designee."
- 39 10. Page 5, line 23, by inserting after the
 40 figure "299.6." the following: "The county attorney's
 41 office or the mediation service shall require the
 42 parent and the school to pay a fee to help defray the
 43 administrative cost of mediation services. The county
 44 attorney's office or the mediation service shall
 45 establish a sliding scale of fees to be charged
 46 parents, based upon ability to pay. A parent shall
 47 not be denied the services of a mediator solely
 48 because of inability to pay the fee."
- 49 11. Page 5, by striking line 27 and inserting the
 50 following: "OR IMPRISONMENT."

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- 1 12. Page 5, lines 33 and 34, by striking the
 2 words "imprisonment not exceeding ten days or".
- 3 13. Page 6, line 2, by striking the words "or
 4 imprisonment" and inserting the following: "or
 5 imprisonment".
- 6 14. Page 6, lines 4 and 5, by striking the words
 7 "imprisonment not exceeding twenty days or".
- 8 15. Page 6, line 6, by striking the words "or
 9 both a fine and imprisonment".
- 10 16. Page 6, line 8, by striking the words "or
 11 imprisonment".
- 12 17. Page 6, line 10, by striking the words

- 13 "imprisonment not exceeding thirty days or".
14 18. Page 6, line 11, by striking the words ", or
15 both a fine and imprisonment".
16 19. Page 6, line 13, by striking the words "or
17 imprisonment".
18 20. Page 7, line 10, by striking the words
19 "sixteen eighteen" and inserting the following:
20 "sixteen".
21 21. Page 7, line 26, by inserting after the word
22 "officer." the following: "Each school district shall
23 provide an in-service training program for the person
24 appointed to serve as the district truancy officer.
25 The training program shall reflect, but is not limited
26 to, information about school and local legal
27 procedures relating to the methods of handling truant
28 children and the children's families."
29 22. Page 8, lines 14 and 15, by striking the
30 words "sixteen eighteen" and inserting the following:
31 "sixteen".
32 23. Page 8, line 16, by inserting after the word
33 "number" the following: "and names".
34 24. Page 8, line 16, by striking the word "such"
35 and inserting the following: "such those".
36 25. Page 8, by striking line 20, and inserting
37 the following: "annually, report this information,
38 along with the number and names of children who in the
39 judgment of the district have an attendance problem,
40 to the".
41 26. Page 8, line 21, by inserting after the words
42 "the department." the following: "The department
43 shall analyze the information and annually advise the
44 districts on possible solutions to local attendance
45 problems."
46 27. Page 9, line 14, by striking the words "such
47 child" and inserting the following: "such the child".
48 28. Page 9, line 33, by striking the words "the
49 provisions of this Act" and inserting the following:
50 "an increase in the maximum mandatory attendance age

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- 1 from sixteen to up to eighteen".
2 29. Page 10, by striking lines 4 through 7, and
3 inserting the following:
4 "The department of education shall, by January
5 1990, do the following:"
6 30. Page 10, line 15, by striking the words
7 "affected by this Act" and inserting the following:
8 "who are at risk of dropping out of the regular
9 schools and programs".

- 10 31. Page 10, by striking lines 20 through 32.
 11 32. Page 10, by inserting after line 32 the
 12 following:
 13 "4. Develop recommendations regarding alternative
 14 programming for students who are at risk of dropping
 15 out of the regular schools and programs. The
 16 recommendations shall include, but are not limited to,
 17 the following:
 18 a. Modification of the minimum educational
 19 standards contained in section 256.11.
 20 b. Alternative curricula, including competency-
 21 based instruction.
 22 c. Alternative teaching methods, including indi-
 23 vidualized programming.
 24 d. Alternative options for graduation."
 25 33. Page 10, by inserting before line 33, the
 26 following:
 27 "The department of education, in coordination with
 28 the department of human services, the supreme court,
 29 the department of public health, and the department of
 30 employment services, by July 1991, shall build a data
 31 base which will assist in the identification of at-
 32 risk students and middle and high schools within the
 33 state having a significant population of at-risk
 34 students. At-risk characteristics to be considered
 35 may include, but are not limited to, high levels of
 36 one or more of the following: below grade level
 37 performing students, grade retention, school dropouts,
 38 school expulsions, teen pregnancy, poverty, single
 39 parent families, substance abuse, teenage suicides,
 40 youth underemployment, juvenile delinquency, and child
 41 abuse. In building this data base, consideration
 42 shall be given to protecting the privacy of the
 43 individual student and limiting the data burden on
 44 school districts.
 45 34. Page 10, lines 33 and 34, by striking the
 46 words "Schools which provide alternative" and
 47 inserting the following: "Alternative".
 48 35. Page 11, by striking lines 4 and 5 and
 49 inserting the following:
 50 "Sec. ____ . BAR OF PROSECUTION. Notwithstanding

Page 4

1 section 802.4, a parent, guardian, or custodian who
 2 met the criteria for deferral of prosecutions of
 3 chapter 299, under the 1988 Iowa Acts, chapter 1259,
 4 section 7, shall not be prosecuted for violations of
 5 chapter 299 which occurred between May 16, 1988, and
 6 July 1, 1989."

7 36. By renumbering, relettering, or redesignating
8 and correcting internal references as necessary.

S-3751

1 Amend House File 282, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 1, by inserting before line 1 the fol-
4 lowing:

5 "Sec. ____ . NEW SECTION. 455B.314 CERTAIN
6 NONDEGRADABLE PRODUCTS -- PROHIBITED FROM DISPOSAL.

7 Beginning July 1, 1991, a person shall not dispose
8 of nondegradable plastic grocery or garbage bags at a
9 sanitary landfill.

10 Beginning July 1, 1995, a person shall not dispose
11 of nondegradable plastic film or foam at a sanitary
12 landfill.

13 The department shall consider economic and
14 technological obstacles to the implementation dates
15 prescribed, and shall make recommendations to the
16 general assembly regarding the implementation dates."

17 2. Title page, line 1, by inserting after the
18 word "to" the following: "degradable products
19 including".

20 3. By renumbering as necessary.

JACK RIFE

HOUSE AMENDMENT TO
SENATE FILE 472

S-3752

1 Amend Senate File 472 as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 1, line 5, by striking the words "private
4 and".

5 2. Page 1, line 6, by striking the words "private
6 and".

7 3. Page 1, line 17, by striking the words
8 "private and".

9 4. Page 1, by striking line 22, and inserting the
10 following: "participants in alternative school or
11 noncertified home education".

12 5. Page 1, line 26, by striking the words
13 "private and".

14 6. Page 2, by striking lines 6 through 9.

- 15 7. Page 2, lines 14 and 15, by striking the words
 16 "noncertificated private school or a".
- 17 8. Page 2, by striking lines 27 through 29.
- 18 9. Page 2, by striking lines 30 through 33.
- 19 10. Page 3, by striking line 3 and inserting the
 20 following: "is not a home instructor, but who assists
 21 a".
- 22 11. Page 3, line 4, by striking the word "or".
- 23 12. Page 3, by striking lines 12 through 14, and
 24 inserting the following: "in a noncertified home
 25 education program."
- 26 13. Page 3, lines 19 and 20, by striking the
 27 words "a noncertified private school or".
- 28 14. Page 3, lines 22 and 23, by striking the
 29 words "each school year" and inserting the following:
 30 "by February 1 of the year before each school year of
 31 placement".
- 32 15. Page 3, line 25, by striking the word
 33 "private" and inserting the following: "noncertified
 34 home".
- 35 16. Page 4, line 1, by striking the words
 36 "nonaccredited private school or a" and inserting the
 37 following: "noncertified".
- 38 17. Page 4, line 25, by striking the words
 39 "private or" and inserting the following:
 40 "noncertified".
- 41 18. Page 4, line 30, by inserting after the word
 42 "ENROLLMENT" the following: "AND ALTERNATIVE SCHOOL
 43 PROGRAMS".
- 44 19. Page 4, line 32, by striking the words
 45 "private or".
- 46 20. Page 5, by striking lines 3 through 9, and
 47 inserting the following: "enrollment under section
 48 442.4 and shall be counted as one pupil. The district
 49 shall hire certificated personnel to provide
 50 instructional services on a consulting basis to

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- 1 parents of students enrolled in noncertified home
 2 education programs. The district shall determine the
 3 number of certificated personnel needed for the
 4 instructional services under this section and develop
 5 an alternative school program for provision of the
 6 instructional services. The program shall include,
 7 but is not limited to, providing assistance in
 8 instructional planning to home instructors to achieve
 9 academic progress in one or more subject areas."
- 10 21. Page 5, by striking lines 19 through 29.
- 11 22. Page 5, line 31, by striking the words

12 "private or".
 13 23. Page 6, line 2, by striking the words
 14 "private or".
 15 24. Page 6, line 9, by striking the words
 16 "private or".
 17 25. Page 6, line 15, by striking the word "shall"
 18 and inserting the following: "may".
 19 26. Page 6, line 16, by striking the word
 20 "private" and inserting the following: "noncertified
 21 home".
 22 27. Page 6, line 22, by striking the word
 23 "private" and inserting the following: "noncertified
 24 home".
 25 28. Page 6, line 25, by striking the word
 26 "private".
 27 29. Page 6, by striking line 26, and inserting
 28 the following: "home instructor shall modify the
 29 noncertified home education program".
 30 30. Page 6, line 29, by striking the words
 31 "private or".
 32 31. Page 6, line 34, by striking the words
 33 "private or".
 34 32. Page 7, line 5, by striking the words
 35 "private or".
 36 33. Page 7, by striking line 16 and inserting the
 37 following: "home instructor for not less than five
 38 hours per".
 39 34. Page 7, line 23, by striking the words
 40 "private or".
 41 35. By striking page 7, line 34, through page 8,
 42 line 2, and inserting the following: "256.11, or may
 43 require the continuation of the".
 44 36. Page 8, line 18, by striking the words
 45 "private or".
 46 37. Page 8, line 24, by striking the words
 47 "private or".
 48 38. Page 8, line 26, by striking the words
 49 "private or".
 50 39. By striking page 8, line 29 through page 9,

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1 line 12, and inserting the following:
 2 "Sec. ____ . NEW SECTION. 299A.13 NONCERTIFIED
 3 HOME EDUCATION ADVISORY COMMITTEES.
 4 If a notice of intent to enroll a child in a
 5 noncertified home education program is filed with a
 6 superintendent under section 299A.3, the local school
 7 district shall form a committee within ninety days of
 8 the receipt of the notice, to assist and advise the

9 district in the development of an alternative school
10 program in the district under section 299A.4.”

11 40. Page 9, line 15, by striking the words
12 “private or”.

13 41. Page 9, line 20, by striking the words
14 “private or”.

15 42. Page 9, line 22, by inserting after the
16 figure “427.1.” the following: “If, however, the home
17 otherwise qualifies for tax exemption under section
18 427.1, this section shall not prevent the home from
19 being exempt under that section.”

20 43. Title Page, line 1, by striking the words
21 “private and”.

22 44. By renumbering, relettering, or redesignating
23 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 31

S-3753

1 Amend Senate File 31, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 15, by striking the word
4 “paragraphs” and inserting the following:
5 “paragraph”.

6 2. Page 1, by striking lines 20 through 34.

7 3. By striking page 1, line 35, through page 2,
8 line 7.

9 4. Page 4, lines 20 and 21, by striking the words
10 “, and is guilty of a simple misdemeanor”.

11 5. Page 4, by inserting after line 21, the
12 following:

13 “Sec. ____ . Section 249D.33, Code 1989, is amended
14 by adding the following new subsection:

15 **NEW SUBSECTION. 21.** Submit a report to the
16 department of elder affairs every six months, of the
17 name of each health care facility in its area for
18 which the care review committee has failed to submit
19 the report required by rules adopted pursuant to
20 section 249D.44.”

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

23 “Sec. ____ . Section 7 of this Act is repealed at
24 such time as a penalty is provided by the federal
25 government for notification or causing the
26 notification of a health care facility of the time and
27 date on which a survey or on-site inspection is

28 scheduled.”

29 7. Title page, line 2, by striking the words “and
30 providing penalties” and inserting the following: “,
31 providing a penalty, and providing for the repeal of a
32 penalty”.

33 8. By renumbering, relettering, or redesignating
34 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 449

S-3754

1 Amend Senate File 449, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 18, by striking the words “and
4 office skills” and inserting the following: “or
5 office occupations”.

6 2. Page 1, by striking line 19, and inserting the
7 following: “family sciences or home economics
8 occupations, industrial technology or trade and
9 industrial education, and marketing education.”

10 3. Page 1, by inserting after line 30, the fol-
11 lowing:

12 “The department of education shall permit school
13 districts, in meeting the requirements of this sec-
14 tion, to use vocational core courses in more than one
15 vocational service area and to use multi-occupational
16 courses to complete a sequence in more than one voca-
17 tional service area.”

18 4. Page 3, by striking lines 18 and 19 and in-
19 serting the following: “education. Each regional
20 planning board shall have as members persons who are
21 representatives from the merged area school board of
22 directors, the area education agency board of
23 directors, the local councils on vocational education,
24 the local school districts’ boards of directors, and
25 vocational education certificated instructional
26 personnel.”

27 5. By renumbering, relettering, or redesignating
28 and correcting internal references as necessary.

S-3755

1 Amend House File 728 as passed by the House as follows:

2 1. Page 1, by striking line 23 through page 2, line 6.

3 2. Title, lines 4 and 5 by striking the words “, by

4 permitting the division of the delinquent tax list for
5 publication”.

WILLIAM W. DIELEMAN

S-3756

1 Amend Senate File 520 as follows:
2 1. Page 5, by striking lines 34 and 35 and in-
3 serting the following:
4 “Notwithstanding”.
5 2. Page 7, by striking lines 9 and 10.
6 3. Page 8, by striking lines 1 and 2.
7 4. Page 8, by striking lines 5 and 6.
8 5. Page 8, by striking lines 9 and 10.
9 6. Page 8, by striking lines 13 and 14.

CALVIN O. HULTMAN

S-3757

1 Amend Senate File 524 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 “Sec. — . NEW SECTION. 111A.12 COUNTY
5 ALLOCATION OF SECONDARY ROAD FUNDS FOR COUNTY
6 CONSERVATION PROJECTS.
7 A county board of supervisors may make available to
8 its county conservation board for the improvement,
9 construction, or reconstruction of the county
10 conservation parkways within the county any portion of
11 the county’s allotment of secondary road funds as
12 provided under section 309.93A.”
13 2. Page 1, by inserting before line 10 the
14 following:
15 “Sec. — . NEW SECTION. 309.93A COUNTY
16 ALLOCATION OF SECONDARY ROAD FUNDS FOR COUNTY
17 CONSERVATION PARKWAY PROJECTS.
18 A county, in any year, by resolution of its board
19 of supervisors, may make available for improvement,
20 construction, or reconstruction of county conservation
21 parkways within the county any portion of its
22 allotment of secondary road funds to its county
23 conservation board. However, the improvement,
24 construction, or reconstruction project for the county
25 conservation parkway shall be included as part of the
26 county’s secondary road construction program under
27 section 309.22 and is subject to review by the

28 department under section 309.94, and subject to
29 program operation requirements under section 309.96,
30 subsection 2.”

31 3. Page 3, by inserting after line 5 the
32 following:

33 “Sec. ____ . Section 315.3, Code 1989, is amended by
34 adding the following new subsection:

35 NEW SUBSECTION. 1A. The fund is also appropriated
36 for and may be used for expenditures that are of a
37 nonrecurring nature which result in long-term
38 improvements in state park roads, county conservation
39 parkways, or the great river road. As used in this
40 subsection, “great river road” means great river road
41 as defined in section 308.3. For purposes of sections
42 315.4 and 315.6, expenditures for great river road
43 projects may be funded from primary road projects,
44 secondary road projects, and city street projects
45 depending upon the classification of that portion of
46 the great river road involved in the project. For
47 purposes of section 315.4, a state park road project
48 shall be deemed to be a primary road project and a
49 county conservation parkway project shall be deemed to
50 be a secondary road project. Except for subsection 7

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1 of section 315.11, section 315.11 does not apply to
2 applications submitted for funds under this
3 subsection. Notwithstanding section 315.5, the
4 department in ranking applications for funds shall
5 only consider the proportion of political subdivision
6 matching funds to be provided, if any, the proportion
7 of private contributions to be provided, if any, and
8 the level of need.

9 Sec. ____ . Section 315.3, subsection 2, Code 1989,
10 is amended to read as follows:

11 2. The fund is also appropriated and shall be used
12 for the reimbursement or payment to cities or counties
13 of all or part of the interest and principal on
14 general obligation bonds issued by cities or counties
15 for the purpose of financing approved road and street
16 projects meeting the requirements of subsection 1 or
17 1A.”

JIM LIND

S-3758

1 Amend Senate File 520 as follows:

- 2 1. Page 5, line 27, by striking the figure "455,124"
 3 and inserting the following: "494,124".

LINN FUHRMAN

S-3759

- 1 Amend Senate File 520 as follows:
 2 1. Page 2, line 26, by striking the figure "2,291,817"
 3 and inserting the following: "3,000,000".

CALVIN O. HULTMAN

S-3760

- 1 Amend Senate File 520 as follows:
 2 1. Page 1, line 33, by striking the figure "1,708,000"
 3 and inserting the following: "3,000,000".

CALVIN O. HULTMAN

S-3761

- 1 Amend amendment, S-3634, to House File 250, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by striking lines 10 through 12 and
 5 inserting the following: "Planning for this project
 6 shall be completed and data collection shall commence
 7 no later than January 1, 1991.
 8 Sec. ____ . Section 601A.2, subsection 11, Code
 9 1989, is amended to read as follows:
 10 11. "Disability" means the physical or mental
 11 condition of a person which constitutes a substantial
 12 handicap, and includes the condition of a person with
 13 a positive human immunodeficiency virus test result, a
 14 diagnosis of acquired immune deficiency syndrome, a
 15 diagnosis of acquired immune deficiency syndrome-
 16 related complex, or any other condition related to
 17 acquired immune deficiency syndrome. The inclusion of
 18 a condition related to a positive human
 19 immunodeficiency virus test result in the meaning of
 20 "disability" under the provisions of this chapter does
 21 not preclude the application of the provisions of this
 22 chapter to conditions resulting from other contagious
 23 or infectious diseases.
 24 In reference to employment, "disability" means a

25 substantial handicap which meets one of the following
 26 criteria:

27 a. The handicap is not related to the ability to
 28 do the job.

29 b. The handicap is related to the ability to do
 30 the job, but through experience, training, or
 31 reasonable accommodation the person has overcome the
 32 handicap and is able to perform the job.

33 Sec. ____ . Section 601A.6, Code 1989, is amended by
 34 adding the following new subsection:

35 NEW SUBSECTION. 1A. An employer shall make
 36 reasonable accommodation to the known physical or
 37 mental limitations of an otherwise qualified
 38 handicapped applicant or employee even though the
 39 reasonable accommodation may require more than a de
 40 minimus expenditure by the employer, unless the
 41 employer can demonstrate that the accommodation would
 42 impose an undue hardship on the employer.

43 In determining whether an accommodation would
 44 impose an undue hardship on the employer, all of the
 45 following factors shall be considered:

46 a. The overall size of the employer's program of
 47 accommodation with respect to the number of employees,
 48 number and type of facilities, and type of budget.

49 b. The type of the employer's operation, including
 50 the composition and structure of the employer's

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1 workforce.

2 c. The nature and cost of the accommodation
 3 needed."

4 2. Page 1, by striking lines 29 through 35 and
 5 inserting the following: "States, and assembles with
 6 one or more persons for the purpose of teaching or
 7 being instructed in any technique or means capable of
 8 causing property damage, bodily injury or death when
 9 the person or persons intend to employ those
 10 techniques or means in furtherance of the conspiracy,
 11 is on conviction, guilty of a class "D" "C" felony.
 12 Evidence of intimidation includes, but is not limited
 13 to, the burning of crosses and other symbols, and a
 14 rebuttable presumption of intimidation arises where
 15 such an act is shown to have been committed. Evidence
 16 of conspiracy includes, but is not limited to, the
 17 assembly of two or more persons for the purpose of
 18 teaching or being instructed in any technique or means
 19 capable of causing property damage, bodily injury, or
 20 death, and a rebuttable presumption of a conspiracy
 21 arises where such an act is shown to have been

22 committed for such a purpose."

23 3. Renumber as necessary.

RICHARD RUNNING
RAY TAYLOR

S-3762

1 Amend the House amendment, S-3707, to Senate File
2 508, as passed by the Senate, as follows:
3 1. Page 1, by striking lines 32 through 35 and
4 inserting the following: "and maliciously proceeded,
5 a judgment may be entered against the person claiming
6 the lien in favor of any resisting party for
7 reasonable damages, including actual damages, costs,
8 and reasonable".

JOE WELSH

S-3763

1 Amend House File 740, 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 728.1, subsection 8, Code
6 1989, is amended to read as follows:
7 8. "Prohibited sexual act" means any of the
8 following:
9 a. A sex act as defined in section 702.17;
10 b. An act of bestiality involving a ~~child~~; minor.
11 c. Fondling or touching the pubes or genitals of a
12 ~~child~~; minor.
13 d. Fondling or touching the pubes or genitals of a
14 person by a ~~child~~; minor.
15 e. Sadomasochistic abuse of a ~~child~~ minor for the
16 purpose of arousing or satisfying the sexual desires
17 of a person who may view a depiction of the abuse;
18 f. Sadomasochistic abuse of a person by a ~~child~~
19 minor for the purpose of arousing or satisfying the
20 sexual desires of a person who may view a depiction of
21 the abuse; ~~or~~.
22 g. Nudity of a ~~child~~ minor for the purpose of
23 arousing or satisfying the sexual desires of a person
24 who may view a depiction of the nude ~~child~~ minor.
25 Sec. 2. Section 728.4, Code 1989, is amended to
26 read as follows:
27 728.4 RENTAL OR SALE OF HARD CORE PORNOGRAPHY.

28 A person who knowingly rents, sells, or offers for
29 rental or sale material depicting a sex act involving
30 sadomasochistic abuse, excretory functions, or
31 bestiality, which the average adult taking the
32 material as a whole in applying statewide contemporary
33 community standards would find appeals to the prurient
34 interest and is patently offensive; and which
35 material, taken as a whole, lacks serious literary,
36 scientific, political, or artistic value, upon
37 conviction is guilty of an aggravated misdemeanor.
38 Charges under this section may only be brought by a
39 county attorney or by the attorney general.
40 Sec. 3. Section 728.12, Code 1989, is amended to
41 read as follows:
42 728.12 SEXUAL EXPLOITATION OF CHILDREN A MINOR.
43 1. A person commits a class "C" felony when the
44 person employs, uses, persuades, induces, entices,
45 coerces, knowingly permits, or otherwise causes a
46 child minor to engage in a prohibited sexual act or in
47 the simulation of a prohibited sexual act if the
48 person knows, has reason to know, or intends that the
49 act or simulated act may be photographed, filmed, or
50 otherwise preserved in a negative, slide, book,

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1 magazine, or other print or visual medium.
2 Notwithstanding section 902.9, the court may assess a
3 fine of not more than fifty thousand dollars for each
4 offense under this subsection in addition to imposing
5 any other authorized sentence.
6 2. A person commits a class "D" felony when the
7 person knowingly promotes any material visually
8 depicting a live performance of a child minor engaging
9 in a prohibited sexual act or in the simulation of a
10 prohibited sexual act. Notwithstanding section 902.9,
11 the court may assess a fine of not more than twenty-
12 five thousand dollars for each offense under this
13 subsection in addition to imposing any other
14 authorized sentence.
15 3. A person who knowingly purchases ~~any a~~
16 negative, slide, book, magazine, or other print or
17 visual medium depicting a child minor engaging in a
18 prohibited sexual act or the simulation of a
19 prohibited sexual act commits a serious misdemeanor.
20 However, this section does not apply to law
21 enforcement officers, court personnel, licensed
22 physicians, licensed psychologists, or attorneys in
23 the performance of their official duties."

24 2. Title page, line 1, by striking the words “,
25 providing penalties.”.

TOM MANN, Jr.
LINN FUHRMAN
JULIA GENTLEMAN
PAUL PATE
WALLY HORN

HOUSE AMENDMENT TO
SENATE FILE 46

S-3764

1 Amend Senate File 46 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 “Sec. ____ . Section 111A.4, Code 1989, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 11. To enter into chapter 28E
7 agreements with the department of corrections pursuant
8 to section 246.703, subsection 2.
9 Sec. ____ . Section 246.703, Code 1989, is amended
10 to read as follows:
11 246.703 SERVICES OF INMATES -- INSTITUTIONS AND
12 PUBLIC SERVICE.
13 1. Inmates shall work on state account in the
14 maintenance of state institutions, in the erection,
15 repair, authorized demolition, or operation of
16 buildings and works used in connection with the
17 institutions, and in industries established and
18 maintained in connection with the institutions by the
19 director. The director shall encourage the making of
20 agreements with departments and agencies of the state
21 or its political subdivisions to provide products or
22 services under an inmate work program to the
23 departments and agencies. The director may implement
24 an inmate work program for trustworthy inmates of
25 state correctional institutions, under proper
26 supervision, whether at work centers located outside
27 the state correctional institutions or in construction
28 or maintenance work at public or charitable facilities
29 and for other agencies of state, county, or local
30 government. The supervision, security, and
31 transportation of, and allowances paid to inmates used
32 in public service projects shall be provided pursuant
33 to agreements made by the director and the agency for
34 which the work is done. Housing and maintenance shall

35 also be provided pursuant to the agreement unless the
36 inmate is housed and maintained in the correctional
37 facility. All such work, including but not limited to
38 that provided in this section, shall have as its
39 primary purpose the development of attitudes, skills,
40 and habit patterns which are conducive to inmate
41 rehabilitation. The director may adopt rules allowing
42 inmates participating in an inmate work program to
43 receive educational or vocational training outside the
44 state correctional institutions and away from the work
45 centers or public or charitable facilities used under
46 a program.
47 2. The director may enter into a chapter 28E
48 agreement with a county board of supervisors or county
49 conservation board to provide inmate services for
50 environmental maintenance including but not limited to

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1 brush and weed cutting, tree planting, and erosion
2 control. The board of supervisors or conservation
3 board shall reimburse the department of corrections
4 for the allowance paid the inmates by the director.
5 The supervision, security, and transportation of
6 inmates used pursuant to the chapter 28E agreement
7 shall be provided by the department of corrections.
8 3. However, an inmate shall not work in a public
9 service project or pursuant to a chapter 28E agreement
10 if the work of that inmate would replace a person
11 employed by the state agency or political subdivision,
12 which employee is performing the work of the public
13 service project at the time the inmate is being
14 considered for work in the project.”
15 2. By renumbering as necessary.

S-3765

1 Amend amendment, S-3585, to House File 740 as
2 follows:
3 1. Page 1, by inserting after line 4 the
4 following:
5 “Sec. ____ . Section 728.1, subsection 8, Code 1989,
6 is amended to read as follows:
7 8. “Prohibited sexual act” means any of the
8 following:
9 a. A sex act as defined in section 702.17;
10 b. An act of bestiality involving a child; minor.
11 c. Fondling or touching the pubes or genitals of a

12 ~~child; minor.~~

13 d. Fondling or touching the pubes or genitals of a
14 person by a ~~child; minor.~~

15 e. Sadomasochistic abuse of a ~~child~~ minor for the
16 purpose of arousing or satisfying the sexual desires
17 of a person who may view a depiction of the abuse;

18 f. Sadomasochistic abuse of a person by a ~~child~~
19 minor for the purpose of arousing or satisfying the
20 sexual desires of a person who may view a depiction of
21 the abuse; ~~or.~~

22 g. Nudity of a ~~child~~ minor for the purpose of
23 arousing or satisfying the sexual desires of a person
24 who may view a depiction of the nude ~~child~~ minor."

25 2. Page 1, by striking lines 20 and 21 and
26 inserting the following:

27 "Sec. ____ . Section 728.12, Code 1989, is amended
28 to read as follows:

29 728.12 SEXUAL EXPLOITATION OF ~~CHILDREN~~ A MINOR.

30 1. A person commits a class "C" felony when the
31 person employs, uses, persuades, induces, entices,
32 coerces, knowingly permits, or otherwise causes a
33 ~~child~~ minor to engage in a prohibited sexual act or in
34 the simulation of a prohibited sexual act if the
35 person knows, has reason to know, or intends that the
36 act or simulated act may be photographed, filmed, or
37 otherwise preserved in a negative, slide, book,
38 magazine, or other print or visual medium.
39 Notwithstanding section 902.9, the court may assess a
40 fine of not more than fifty thousand dollars for each
41 offense under this subsection in addition to imposing
42 any other authorized sentence.

43 2. A person commits a class "D" felony when the
44 person knowingly promotes any material visually
45 depicting a live performance of a ~~child~~ minor engaging
46 in a prohibited sexual act or in the simulation of a
47 prohibited sexual act. Notwithstanding section 902.9,
48 the court may assess a fine of not more than twenty-
49 five thousand dollars for each offense under this
50 subsection in addition to imposing any other

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1 authorized sentence.

2 3. A person who knowingly purchases ~~any~~ or
3 possesses a negative, slide, book, magazine, or other
4 print or visual medium depicting a ~~child~~ minor
5 engaging in a prohibited sexual act or the simulation
6 of a prohibited sexual act commits a serious
7 misdemeanor.

8 However, this section does not apply to law

- 9 enforcement officers, court personnel, licensed
10 physicians, licensed psychologists, or attorneys in
11 the performance of their official duties.”
12 3. Page 1, by striking lines 24 through 26.
13 4. Renumber sections as necessary.

RICHARD VARN

S-3766

- 1 Amend Senate File 520 as follows:
2 1. Page 2, line 11, by striking the figure “744,614”
3 and inserting the following: “819,614”.

CALVIN O. HULTMAN

S-3767

- 1 Amend Senate File 520 as follows:

DIVISION S—3767E

- 2 1. Page 1, by striking lines 20 and 21, and
3 inserting the following: “tourism marketing.”

DIVISION S—3767A

- 4 2. Page 2, by striking lines 5 through 7, and
5 inserting the following: “advertising efforts. The
6 department shall, to the fullest extent possible,
7 match funds expended for advertising contracts on a
8 dollar-for-dollar basis with contributions from other
9 sources.”

DIVISION S—3767E (cont'd.)

- 10 3. Page 2, line 16, by striking the words
11 “programs for” and inserting the following:
12 “programs.”
13 4. Page 2, by striking line 17.

DIVISION S—3767B

- 14 5. Page 2, by striking lines 33 through 35, and
15 inserting the following: “the marketing efforts. The
16 department shall, to the fullest extent possible,
17 match funds expended for advertising contracts on a
18 dollar-for-dollar basis with contributions from other
19 sources.”

DIVISION S—3767C

20 6. Page 3, line 7, by striking the words
21 “contract and”.

DIVISION S—3767D

22 7. Page 3, line 18, by inserting after the words
23 “in the” the following: “domestic and”.

DIVISION S—3767E (cont'd.)

24 8. Page 4, line 1, by inserting after the word
25 “delegation” the following: “led by the governor”.
26 9. Page 4, line 27, by inserting after the word
27 “to” the following: “provide information, technical
28 assistance, and support to new businesses and”.

LEONARD BOSWELL
JOHN P. KIBBIE
ELAINE SZYMONIAK
MARK R. HAGERLA
JACK RIFE

S-3768

1 Amend Senate File 520 as follows:
2 1. Page 1, line 10, by striking the figure “803,080”
3 and inserting the following: “826,570”.

LEONARD BOSWELL

S-3769

1 Amend Senate File 525 as follows:
2 1. Page 1, by striking lines 32 and 33 and
3 inserting the following: “licensed under this chapter
4 for operation on the rivers of this state, provided
5 that no more than four excursion gambling boat
6 licenses shall be granted for operation between April
7 1, 1991, and March 31, 1995. The license shall set”.

WILLIAM W. DIELEMAN

S-3770

1 Amend Senate File 525 as follows:
2 1. Page 1, by inserting after line 19 the
3 following:
4 “NEW SUBSECTION. ____. To determine the areas on
5 an excursion gambling boat in which alcoholic

6 beverages may be sold and consumed and to regulate the
7 pricing of alcoholic beverages including the
8 dispensing of drinks without charge.”

WILLIAM W. DIELEMAN

S-3771

1 Amend Senate File 525 as follows:
2 1. Page 2, by striking lines 24 through 34 and
3 inserting the following: “is amended by adding the
4 following paragraph:”

WILLIAM W. DIELEMAN

S-3772

1 Amend Senate File 525 as follows:
2 1. Page 1, by inserting after line 19 the
3 following:
4 “NEW SUBSECTION. ____ . To establish minimum
5 charges for admission to excursion gambling boats and
6 regulate the number of free admissions.”

WILLIAM DIELEMAN

S-3773

1 Amend Senate File 525 as follows:
2 1. Page 2, by striking lines 2 through 7 and
3 inserting the following: “season when gambling may be
4 conducted by the licensee. The commission shall not
5 allow a licensee to conduct gambling games on an
6 excursion gambling boat while docked during the off
7 season.”

WILLIAM W. DIELEMAN

S-3774

1 Amend Senate File 525 as follows:
2 1. Page 1, by inserting after line 19 the fol-
3 lowing:
4 “NEW SUBSECTION. To require the periodic drug
5 testing of the captain and all other persons directly
6 responsible for the operation and navigation of an
7 excursion gambling boat subject to section 730.5.”

WILLIAM W. DIELEMAN

S-3775

1 Amend the amendment, S-3569, to House File 98, as
2 passed by the House, as follows:

3 1. By striking page 1, line 36, through page 2,
4 line 15, and inserting the following:

5 "3. Any two or more state banks, national banks,
6 or state and national banks that are located in this
7 state, that are affiliates as defined in section
8 524.1101, and that individually have been in existence
9 and operated as banks continuously in this state for
10 at least five years, may be merged or consolidated
11 into a single state or national bank, and the
12 resulting entity shall be a "united community bank".
13 Subject to subsection 9, the resulting united
14 community bank of the merger or consolidation:

15 a. Shall retain and operate as its principal place
16 of business one of the principal places of business of
17 the banks that are the parties to the merger or
18 consolidation.

19 b. May retain and continue to operate as united
20 community bank offices of the resulting bank any of
21 the remaining principal places of business of the
22 banks that are the parties to the merger or
23 consolidation.

24 c. May retain and continue to operate as retained
25 bank offices of the resulting united community bank
26 any of the bank offices that are being operated as of
27 the date of the merger or consolidation by any of the
28 banks that are parties to the merger or consolidation.

29 d. May establish additional bank offices within
30 the municipal corporation or urban complex in which a
31 united community bank office referred to in paragraph
32 "b" is located, provided that the number of bank
33 offices of the resulting bank within that municipal
34 corporation or urban complex, including bank offices
35 retained under paragraph "c" and bank offices
36 established under the authority of this paragraph, but
37 excluding the united community bank office, shall not
38 exceed the maximum number of bank offices permitted by
39 section 524.1202, subsection 2, paragraph "a", for a
40 bank located within that municipal corporation or
41 urban complex.

42 e. May retain and continue to operate and may
43 establish in conjunction with the resulting bank, or
44 with any retained united community bank office, or
45 with any other retained bank office, any facility

46 authorized by section 524.1202, subsection 2,
47 paragraph "c" or "d", and in operation at the time of
48 the merger or consolidation or established after the
49 merger or consolidation.

50 f. May relocate any principal place of business

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1 and any bank offices operated pursuant to this section
2 by complying with other provisions of law applicable
3 to relocation.

4 4. For purposes of subsection 3, the period of
5 existence and operation of a bank shall be deemed
6 continuous, notwithstanding any of the following:

7 a. Any direct or indirect change in the name,
8 ownership, or control of the bank.

9 b. Any rechartering of the bank, or any merger or
10 consolidation with one or more banks.

11 c. The bank acquired its initial assets and
12 liabilities from the federal deposit insurance
13 corporation, or other transferor, pursuant to a
14 purchase and assumption transaction or any other type
15 of transaction involving the transfer of ownership of
16 a failed bank or other bank.

17 5. All united community bank offices and other
18 bank offices retained by the resulting bank of a
19 merger or consolidation under the authority of this
20 section shall be deemed bank offices established under
21 the authority of section 524.1201 for all intents and
22 purposes of this chapter, except as is otherwise
23 expressly provided in this section.

24 6. This section does not alter the limitations
25 upon bank holding companies contained in section
26 524.1802.

27 7. This section shall be strictly construed as an
28 exception to the bank office limitations contained in
29 section 524.1202. It is the intent of the general
30 assembly that a court or regulatory agency shall not
31 deem, construe, or interpret this section to permit
32 statewide branch banking or to permit the
33 establishment of a bank office at any location in this
34 state unless specifically authorized by this section
35 or section 524.312 or 524.1202.

36 8. This section does not authorize the
37 establishment of a bank office or an integral facility
38 at any time by any bank except as a direct and
39 immediate consequence of a merger or consolidation of
40 two or more affiliated banks and as expressly
41 permitted by subsection 3. This section does not
42 authorize the resulting bank of a merger or

43 consolidation to establish or retain any united
 44 community bank office, bank office, or integral
 45 facility at any location other than those expressly
 46 permitted by subsection 3, or to preserve any business
 47 location acquired in the merger or consolidation for
 48 subsequent use.
 49 9. The resulting bank of a merger or consolidation
 50 shall not retain any united community bank office or

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1 any other bank office within the municipality or urban
 2 complex in which the principal office of the resulting
 3 bank is located if the resulting bank then would have
 4 a greater number of bank offices within that
 5 municipality or urban complex than is expressly
 6 permitted by section 524.1202, subsection 2.
 7 10. As used in this section, the term "bank" does
 8 not include any entity unless it is chartered as a
 9 state or national bank and is authorized by its bylaws
 10 to, and actually does, accept deposits, pay checks,
 11 and make commercial loans.""
 12 2. By renumbering as necessary.

JACK RIFE
 BERL E. PRIEBE
 GEORGE R. KINLEY

S-3776

1 Amend Senate File 524 as follows:
 2 1. By striking page 1, line 31, through page 2,
 3 line 3, and inserting the following:
 4 "1. To the primary road fund, ~~forty-five~~ fifty-two
 5 percent.
 6 2. To the secondary road fund of the counties,
 7 ~~twenty-eight~~ twenty-two percent.
 8 3. To the farm-to-market road fund, ~~nine~~ seven
 9 percent.
 10 4. To the street construction fund of the cities,
 11 ~~eighteen~~ nineteen percent."

MICHAEL E. GRONSTAL

S-3777

1 Amend amendment, S-3634, to House File 250, as
 2 amended, passed, and reprinted by the House, as

3 follows:

4 1. By striking page 1, line 5, through page 2,
5 line 33, and inserting the following:

6 "Section 1. NEW SECTION. 80.40 CRIME
7 INFORMATION.

8 The department shall establish a program to
9 collect, classify, and disseminate information
10 relating to violations of section 729.5. Planning for
11 this project shall be completed and data collection
12 shall commence no later than January 1, 1991.

13 Sec. 2. Section 601A.2, subsection 11, Code 1989,
14 is amended to read as follows:

15 11. "Disability" means the physical or mental
16 condition of a person which constitutes a substantial
17 handicap, and includes the condition of a person with
18 a positive human immunodeficiency virus test result, a
19 diagnosis of acquired immune deficiency syndrome, a
20 diagnosis of acquired immune deficiency syndrome-
21 related complex, or any other condition related to
22 acquired immune deficiency syndrome. The inclusion of
23 a condition related to a positive human
24 immunodeficiency virus test result in the meaning of
25 "disability" under ~~the provisions~~ of this chapter does
26 not preclude the application of the provisions of this
27 chapter to conditions resulting from other contagious
28 or infectious diseases.

29 In reference to employment, "disability" means a
30 substantial handicap which meets one of the following
31 criteria:

32 a. The handicap is not related to the ability to
33 do the job.

34 b. The handicap is related to the ability to do
35 the job, but through experience, training, or
36 reasonable accommodation the person is able to perform
37 the job.

38 Sec. 3. Section 601A.6, Code 1989, is amended by
39 adding the following new subsection:

40 NEW SUBSECTION. 1A. An employer shall make
41 reasonable accommodation to the known physical or
42 mental limitations of an otherwise qualified
43 handicapped applicant or employee even though the
44 reasonable accommodation may require more than a de
45 minimus expenditure by the employer, unless the
46 employer can demonstrate that the accommodation would
47 impose an undue hardship on the employer.

48 In determining whether an accommodation would
49 impose an undue hardship on the employer, all of the
50 following factors shall be considered:

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1 a. The overall size of the employer's program of
2 accommodation with respect to the number of employees,
3 number and type of facilities, and type of budget.

4 b. The type of the employer's operation, including
5 the composition and structure of the employer's
6 workforce.

7 c. The nature and cost of the accommodation
8 needed.

9 Sec. 4. Section 729.5, Code 1989, is amended to
10 read as follows:

11 729.5 PROHIBITING VIOLATIONS OF AN INDIVIDUAL'S
12 CIVIL RIGHTS --PENALTIES.

13 1. Persons within the state of Iowa have the right
14 to be free from any violence, or intimidation by
15 threat of violence, committed against their persons or
16 property because of their race, color, religion,
17 ancestry, national origin, political affiliation, or
18 sex, sexual orientation, age, or disability.

19 2. A person who conspires with another person or
20 persons to injure, oppress, threaten, or intimidate or
21 interfere with any citizen in the free exercise or
22 enjoyment of any right or privilege secured to that
23 person by the constitution or laws of the state of
24 Iowa or by the constitution or laws of the United
25 States, and assembles with one or more persons for the
26 purpose of teaching or being instructed in any
27 technique or means capable of causing property damage,
28 bodily injury or death when the person or persons
29 intend to employ those techniques or means in
30 furtherance of the conspiracy, is on conviction,
31 guilty of a class "D" "C" felony. Evidence of
32 intimidation includes, but is not limited to, the
33 burning of crosses and other symbols, and a rebuttable
34 presumption of intimidation arises where such an act
35 is shown to have been committed. Evidence of
36 conspiracy includes, but is not limited to, the
37 assembly of two or more persons for the purpose of
38 teaching or being instructed in any technique or means
39 capable of causing property damage, bodily injury, or
40 death, and a rebuttable presumption of a conspiracy
41 arises where such an act is shown to have been
42 committed for such a purpose.

43 A person who maliciously and intentionally
44 intimidates or interferes with the business or
45 contractual relations of another citizen because of
46 that citizen's race, color, religion, ancestry,
47 national origin, political affiliation, sex, sexual
48 orientation, age, or disability commits a simple

49 misdemeanor.

50 3. A person who maliciously and intentionally

Page 3

1 intimidates or interferes with another citizen because
2 of that citizen's race, color, religion, ancestry,
3 national origin, political affiliation, sex, sexual
4 orientation, age, or disability and while doing so
5 commits any of the following acts, is guilty of an
6 aggravated misdemeanor:

7 a. Commits an assault, as defined in section
8 708.1, upon that citizen or a third person.

9 b. Commits an act of criminal mischief, as defined
10 in section 716.1, upon that citizen or a third person.

11 § 4. The fact that a person committed a felony or
12 misdemeanor, or attempted to commit a felony, because
13 of the victim's race, color, religion, nationality,
14 country of ancestry, national origin, political
15 affiliation, or sex, sexual orientation, age, or
16 disability, shall be considered a circumstance in
17 aggravation of any crime in imposing a sentence and
18 fine.

19 5. A protected class member, as included in this
20 section, who has suffered physical, emotional, or
21 financial harm, as a result of a violation of this
22 section, or discrimination as prohibited by chapter
23 601A, is entitled to injunctive relief, general and
24 special damages, reasonable attorney fees and costs,
25 and is also entitled to the remedies provided in
26 chapter 601A when discrimination is proven.

27 4 6. This section does not make unlawful the
28 teaching of any technique in self-defense.

29 5 7. This section does not make unlawful any
30 activity of:

31 a. Law enforcement officials of this or any other
32 jurisdiction while engaged in the lawful performance
33 of their official duties;

34 b. Federal officials required to carry firearms
35 while engaged in the lawful performance of their
36 official duties;

37 c. Members of the armed forces of the United
38 States or the national guard while engaged in the
39 lawful performance of their official duties; or

40 d. Any conservation commission, law enforcement
41 agency, or any agency licensed to provide security
42 services, or any hunting club, gun club, shooting
43 range, or other organization or entity whose primary
44 purpose is to teach the safe handling or use of

45 firearms, archery equipment, or other weapons or
 46 techniques employed in connection with lawful sporting
 47 or other lawful activity.
 48 8. For purposes of this section, unless the
 49 context otherwise requires:
 50 a. "Conspiracy" means the teaching or instruction,

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1 or assembling for the purpose of teaching or
 2 instructing any technique capable of causing an injury
 3 to the person or property damage, with the intent to
 4 promote or facilitate violence or threats of violence
 5 and intimidation against persons protected by this
 6 chapter.
 7 b. "Disability" means as defined in section
 8 601A.2, subsection 11.
 9 c. "Intimidation" means action taken which can
 10 reasonably be expected to frighten or cause fear in
 11 another, with the intent to promote or facilitate fear
 12 in persons protected by this chapter."
 13 2. Title page, line 1, by inserting after the
 14 word "rights" the following: "or privileges".

TOM MANN, Jr.

S-3778

1 Amend Senate File 524 as follows:
 2 1. Page 3, by inserting before line 13 the
 3 following:
 4 "Sec. ____ . Section 307.38, Code 1989, is repealed.
 5 This section applies to amounts which, except for the
 6 provisions of this section, would have been due and
 7 payable under section 307.38 after the effective date
 8 of this section."

JULIA B. GENTLEMAN
 ELAINE SZYMONIAK

S-3779

1 Amend Senate File 524 as follows:
 2 1. Page 3, by inserting before line 15 the
 3 following:
 4 "Sec. ____ . Except for the provisions of section 5
 5 of this Act relating to hold harmless of funding for

6 secondary roads and farm-to-market roads, it is the
 7 intent of the general assembly that no additional
 8 statutory off-the-top allocations from the road use
 9 tax fund shall be enacted by the general assembly.”

JOHN W. JENSEN

S-3780

1 Amend the House amendment, S-3749, to Senate File
 2 79, as amended, passed, and reprinted by the Senate as
 3 follows:
 4 1. Page 1, by striking lines 3 through 18 and
 5 inserting the following:
 6 “___ . By striking everything after the enacting
 7 clause and inserting the following:
 8 “Section 1. Sections 135.61 through 135.83, Code
 9 1989, are repealed.””

AL STURGEON
 BERL E. PRIEBE
 JOE WELSH

S-3781

1 Amend Senate File 524 as follows:
 2 1. Page 3, lines 11 and 12, by striking the words
 3 “secondary road fund” and inserting the following:
 4 “RISE fund and allocated on a competitive basis for
 5 the use of the department on primary road projects and
 6 the cities on city street projects”.

ELAINE SZYMONIAK
 JULIA GENTLEMAN

S-3782

1 Amend Senate File 525 as follows:
 2 1. Page 2, line 13, by striking the word “twenty-
 3 one” and inserting the following: “eighteen”.
 4 2. Page 3, line 14, by striking the word “twenty-
 5 one” and inserting the following: “eighteen”.
 6 3. Page 4, line 10, by striking the word “twenty-
 7 one” and inserting the word “eighteen”.

JULIA GENTLEMAN

S-3783

- 1 Amend Senate File 525 as follows:
- 2 1. Page 1, line 33, by inserting after the word
- 3 "state." the following: "The commission shall not
- 4 license an excursion gambling boat having a passenger
- 5 capacity of less than five hundred."

MICHAEL GRONSTAL

S-3784

- 1 Amend Senate File 525 as follows:
- 2 1. Page 3, line 17, by inserting after the word
- 3 "conducted." the following: "However, a person age
- 4 eighteen, nineteen or twenty may wager within the area
- 5 of an excursion gambling boat where gambling is being
- 6 conducted with the knowledge and consent of the
- 7 person's parent or guardian."
- 8 2. Page 4, line 9, by striking the words "A
- 9 person" and inserting the following: "Except as
- 10 provided for wagering by persons under age twenty-one
- 11 with knowledge and consent of a parent or guardian as
- 12 provided in section 99F.9, subsection 6, a person".

JIM LIND

S-3785

- 1 Amend Senate File 525 as follows:
- 2 1. Page 3, by inserting after line 17 the
- 3 following new section:
- 4 "Sec. ____ . Section 99F.11, first unnumbered
- 5 paragraph, as enacted by 1989 Iowa Acts, Senate
- 6 File 124, section 11, is amended by striking the
- 7 unnumbered paragraph and inserting in lieu thereof
- 8 the following:
- 9 A tax is imposed on the adjusted gross receipts
- 10 received annually from gambling games authorized
- 11 under this chapter at the rate of seven and one-half
- 12 percent on the first one million dollars of adjusted
- 13 gross receipts, at the rate of twelve and one-half
- 14 percent on the next two million dollars of adjusted
- 15 gross receipts, and at the rate of twenty-two and
- 16 one-half percent on any amount of adjusted gross
- 17 receipts over three million dollars. The taxes

18 imposed by this section shall be paid by the
19 licensee to the treasurer of state within ten days
20 after the close of the day when the wagers were
21 made and shall be distributed as follows:"

CHARLES BRUNER

S-3786

1 Amend Senate File 525 as follows:
2 1. Page 2, line 22, by striking the words
3 "paragraph b,".
4 2. Page 2, by striking lines 24 through 34 and
5 inserting the following: "is amended by adding the
6 following paragraph:"

WILLIAM W. DIELEMAN

S-3787

1 Amend Senate File 525 as follows:
2 1. Page 1, by inserting after line 19 the
3 following:
4 "NEW SUBSECTION. Drug testing, as permitted by
5 section 730.5, shall be required periodically, not
6 less than every sixty days, of persons employed as
7 captains, pilots, or physical operators of excursion
8 gambling boats under the provisions of this bill."

WILLIAM W. DIELEMAN

S-3788

1 Amend Senate File 525 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 99F.1, subsection 5, enacted
5 by 1989 Iowa Acts, Senate File 124, section 1, is
6 amended by striking the subsection and inserting in
7 lieu thereof the following:
8 5. "Gambling game" means twenty-one or slot
9 machine."

WILLIAM W. DIELEMAN

S-3789

- 1 Amend Senate File 520 as follows:
- 2 1. Page 6, by inserting before line 24, the
- 3 following:
- 4 "The department may use up to but no more than
- 5 \$100,000 of the funds appropriated in this subsection
- 6 for the administration of the Iowa new jobs training
- 7 program."

RICHARD VARN

S-3790

- 1 Amend Senate File 531 as follows:
- 2 1. Page 19, line 29, by inserting after the word
- 3 "appointment." the following: "Members shall serve
- 4 without compensation except that members shall be
- 5 reimbursed for their actual and necessary expenses
- 6 from funds appropriated to the commission."

JOE WELSH

HOUSE AMENDMENT TO
SENATE FILE 157

S-3791

- 1 Amend Senate File 157 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 1, by inserting after the figure
- 4 "321.178," the following: "subsection 1,".
- 5 2. Page 1, line 8, by inserting after the word
- 6 and figure "paragraphs 1" the following: ", 2,".
- 7 3. Page 1, line 24, by striking the figures "9
- 8 11:30" and inserting the following: "9".
- 9 4. Page 1, line 24, by striking the words "p.m.
- 10 over" and inserting the following: "p.m. over".
- 11 5. Page 2, by inserting after line 6, the
- 12 following:
- 13 "Any person who is thirteen years of age, who may
- 14 qualify for a minors' school license at fourteen years
- 15 of age, may take the instruction permit written
- 16 examination. Upon successful completion of the
- 17 written examination, the department shall not issue an
- 18 instruction permit, but shall instead issue a special
- 19 certificate which states that the examination has been

20 successfully completed and that the person is eligible
21 to take a driver education course. The person in
21 to take a driver education course. The person in
22 possession of the special certificate may operate a
23 motor vehicle, but only when accompanied by a driver
24 education instructor.

25 Each application shall be accompanied by a
26 statement from the school board or superintendent of
27 the applicant's school. The statement shall be upon a
28 form provided by the department. The school board or
29 superintendent shall certify that a need exists for
30 the license and that the board and superintendent are
31 not responsible for actions of the applicant which
32 pertain to the use of the school license. The
33 department of education shall adopt rules pursuant to
34 chapter 17A establishing criteria for issuing a
35 statement of necessity. Upon receipt of a statement
36 of necessity, the department shall issue a school
37 license. The fact that the applicant resides at a
38 distance less than one mile from the applicant's
39 schools of enrollment is prima-facie evidence of the
40 nonexistence of necessity for the issuance of a
41 license. A school license shall not be issued for
42 purposes of attending a public school in a school
43 district other than the district of residence, or a
44 district which is contiguous to the district of
45 residence, of the parent or guardian of the student,
46 if the student is enrolled in the public school which
47 is not the school district of residence because of
48 open enrollment under section 282.18 or as a result of
49 an election by the student's district of residence to
50 enter into one or more sharing agreements pursuant to

Page 2

1 the procedures in chapter 282."

2 6. Page 2, line 22, by inserting after the word
3 "license" the following: "or permit".

4 7. Title page, by striking lines 3 through 5 and
5 inserting the following: "courses and requiring
6 completion of driver education before issuance of a
7 school license."

8 8. By renumbering, relettering, or redesignating
9 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 224

S-3792

- 1 Amend Senate File 224, as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 1, by inserting after line 33, the
4 following:
5 "___ . Any expression made by students in the
6 exercise of free speech, including student expression
7 in official school publications, shall not be deemed
8 to be an expression of school policy, and the public
9 school district and school employees or officials
10 shall not be liable in any civil or criminal action
11 for any student expression made or published by
12 students, unless the school employees or officials
13 have interfered with or altered the content of the
14 student speech or expression, and then only to the
15 extent of the interference or alteration of the speech
16 or expression."
17 2. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 426

S-3793

- 1 Amend Senate File 426, 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. ___ . NEW SECTION. 668.15 DAMAGES RESULTING
6 FROM SEXUAL ABUSE -- EVIDENCE.
7 In an action against a person accused of sexual
8 abuse, as defined in section 709.1, by an alleged
9 victim of sexual abuse for damages arising from an
10 injury resulting from the act of sexual abuse,
11 evidence concerning the past sexual behavior of the
12 alleged victim is not admissible."
13 2. Title page, line 4, by inserting after the
14 word "degree," the following: "to evidence admissible
15 in an action for damages arising from an injury
16 resulting from an act of sexual abuse,".
17 3. Renumber as necessary.

S-3794

1 Amend Senate File 361 as follows:
2 1. Page 1, line 21, by striking the word
3 "designed" and inserting the following: "scheduled".
4 2. Page 1, by striking lines 27 through 31, and
5 inserting the following:
6 "6. "Reverse annuity mortgage loan" means a
7 mortgage loan in which either the loan proceeds are
8 used to purchase an annuity with the annuity proceeds
9 to be advanced to the mortgagors, or the loan proceeds
10 are directly advanced to the mortgagors, in ten or
11 more installments, either directly or indirectly, and
12 which together with unpaid interest, if any, are to be
13 repaid in accordance with section 528.7."
14 3. Page 2, by striking lines 16 and 17, and
15 inserting the following: "instrument evidencing an
16 alternative mortgage loan shall not contain a".
17 4. Page 2, by striking lines 21 through 28, and
18 inserting the following:
19 "1. A financial institution that offers or makes
20 an alternative mortgage loan shall include in any
21 disclosure of the rates or availability of mortgage
22 loans, the rates and availability of reverse annuity
23 mortgages or graduated payment mortgage loans, if and
24 when such loans are offered. The administrator may".
25 5. Page 3, line 7, by striking the word "deed"
26 and inserting the following: "instrument".
27 6. Page 3, line 10, by striking the word "deed"
28 and inserting the following: "instrument".
29 7. Page 4, line 7, by striking the word "No" and
30 inserting the following: "Except as provided in
31 subsection 2, no".
32 8. Page 4, line 25, by striking the words
33 "mortgage deed" and inserting the following: "note or
34 mortgage instrument".

MICHAEL E. GRONSTAL

S-3795

1 Amend Senate File 531 as follows:
2 1. Page 5, by inserting after line 34 the fol-
3 lowing:
4 "____. For the fire marshal's office, for hiring a
5 clerk IV position for registration of aboveground
6 storage tanks and inspections of underground storage
7 tanks, and for not more than the following full-time

8	equivalent positions:		
9	.....	\$	20,150
10	.....	FTEs	1.0
11	— . For the fire marshal's office, for office		
12	equipment for registration of aboveground storage		
13	tanks and inspections of underground storage tanks:		
14	.....	\$	1,500
15	— . For the fire marshal's office, for hiring a		
16	fire inspector I position for registration of		
17	aboveground storage tanks and inspections of		
18	underground storage tanks, and for not more than the		
19	following full-time equivalent positions:		
20	.....	\$	29,715
21	.....	FTEs	1.0
22	— . For the fire marshal's office, for the		
23	purchase of a motor vehicle for use in registration of		
24	aboveground storage tanks and inspections of		
25	underground storage tanks:		
26	.....	\$	11,000
27	— . For the fire marshal's office, for the		
28	purchase of radio equipment for the motor vehicle used		
29	in registration of aboveground storage tanks and		
30	inspections of underground storage tanks:		
31	.....	\$	5,000
32	— . For the fire marshal's office, for		
33	miscellaneous equipment for use in registration of		
34	aboveground storage tanks and inspections of		
35	underground storage tanks:		
36	.....	\$	1,500"

EMIL J. HUSAK

S-3796

1 Amend the House amendment, S-3754, to Senate File
2 449, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking lines 15 through 17, and
5 inserting the following: "vocational service area."

LARRY MURPHY

S-3797

1 Amend amendment, S-3648, to House File 686, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting before line 3, the

5 following:

6 "___ . Page 1, line 12, by inserting after the
7 word "businesses" the following: "and farms".

8 ___ . Page 1, line 15, by inserting after the word
9 "factory" the following: "and farm".

10 2. Page 1, by striking lines 33 through 35, and
11 inserting the following:

12 "(3) The secretary of agriculture or the
13 secretary's designee.

14 (4) Two state department heads or division
15 administrators or their designees, appointed by the
16 governor."

17 3. Page 1, by striking lines 41 through 43, and
18 inserting the following:

19 "(1) Five persons from technology-based
20 enterprises in the state or Iowans with experience in
21 technology development and commercialization, two of
22 whom shall be actively engaged in agriculture."

23 4. Page 2, line 5, by inserting after the word
24 "business" the following: ", agriculture,".

25 5. Page 2, by inserting before line 8, the
26 following:

27 "___ . Page 4, by inserting before line 29 the
28 following:

29 "17. To consult with representatives of Iowa
30 agriculture."

31 ___ . Page 6, line 7, by inserting after the word
32 "centers," the following: "the extension service of
33 Iowa state university of science and technology,".

34 ___ . Page 6, line 15, by inserting after the word
35 "business" the following: "and agriculture".

36 ___ . Page 6, line 19, by inserting after the word
37 "firms" the following: "and farms".

38 ___ . Page 6, line 24, by inserting after the word
39 "industry" the following: "and agriculture".

40 6. Page 2, by inserting before line 20, the
41 following:

42 "___ . Page 7, line 12, by inserting after the
43 word "industrial" the following: "and agricultural".

44 ___ . Page 7, by striking line 31, and inserting
45 the following:

46 "d. Machinery, equipment, or livestock."

47 ___ . Page 7, by inserting before line 32, the
48 following:

49 "e. Agricultural land for research purposes.""

50 7. Page 2, by inserting before line 22, the

Page 2

1 following:

2 " ____ . Page 8, line 3, by striking the word

3 "business" and inserting the following: "parties".

4 ____ . Page 8, line 17, by striking the words "and

5 industry" and inserting the following: ", industry,

6 and agriculture".

7 8. Page 3, by inserting before line 26, the

8 following:

9 " ____ . Page 9, line 17, by inserting after the

10 word "businesses" the following: "and farms".

11 ____ . Page 9, line 18, by inserting after the

12 words "strategies to" the following: "farms for more

13 efficient production of agricultural commodities, or

14 to".

15 ____ . Page 9, line 24, by inserting after the word

16 "businesses" the following: "and farmers".

17 9. By renumbering as necessary.

RICHARD VARN
LINN FUHRMAN
JOHN KIBBIE
LEONARD BOSWELL

S-3798

1 Amend House File 745 as amended, passed and

2 reprinted by the House as follows:

3 1. Page 10, line 11, by striking the word "shall"

4 and inserting the following: "may".

C. JOSEPH COLEMAN

S-3799

1 Amend Senate File 532 as follows:

2 1. Page 19, line 22, by striking the words "under

3 the" and inserting the following: "under ~~the~~".

JOHN W. JENSEN

S-3800

1 Amend the amendment, S-3664, to House File 700, as

2 amended, passed, and reprinted by the House, as

3 follows:

4 1. Page 4, by striking lines 9 through 14.

JOE WELSH

S-3801

1 Amend House File 700, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Sec. ____ . NEW SECTION. 13.25 VICTIM ASSISTANCE
6 PROGRAM.

7 A victim assistance program is established in the".

8 2. Page 1, by striking lines 17 through 20 and
9 inserting the following:

10 "Sec. ____ . Section 236.2, subsection 5, Code 1989,
11 is amended to read as follows:".

12 3. Page 1, by striking lines 23 through 25 and
13 inserting the following:

14 "Sec. ____ . Section 236.2, subsection 6, Code 1989,
15 is amended by striking the subsection."

16 4. Page 2, line 12, by striking the word
17 "division" and inserting the following: "department".

18 5. Page 2, line 21, by striking the word
19 "division" and inserting the following: "department".

20 6. Page 2, line 28, by striking the words
21 "department division" and inserting the following:
22 "department".

23 7. Page 2, line 33, by striking the word
24 "division" and inserting the following: "department".

25 8. Page 3, by striking lines 2 through 10.

26 9. Page 6, line 13, by striking the figure "
27 2,".

28 10. Page 6, by striking lines 17 through 19.

29 11. Page 6, line 21, by striking the word
30 "division" and inserting the following: "department".

31 12. Page 6, by inserting after line 21 the
32 following:

33 "Sec. ____ . Section 912.1, subsection 2, Code 1989,
34 is amended by striking the subsection."

35 13. By renumbering as necessary.

RICHARD VARN

S-3802

1 Amend Senate File 532 as follows:

- 2 1. Page 14, line 34, by striking the figure "615,887"
3 and inserting the following: "715,887".

JOE WELSH

S-3803

- 1 Amend Senate File 531 as follows:
2 1. By striking page 15, line 22, through page 17,
3 line 8.
4 2. Title page, by striking lines 9 through 11,
5 and inserting the following: "agency purchases, and
6 providing".

JEAN LLOYD-JONES
TOM MANN
JULIA GENTLEMAN
ELAINE SZYMONIAK
AL STURGEON

S-3804

- 1 Amend Senate File 532 as follows:
2 1. Page 17, by striking lines 14 and 15 and
3 inserting the following: "shall receive an annual
4 salary of sixteen thousand six hundred dollars for the
5 year 1989 and subsequent".
6 2. Page 17, by striking line 33 and inserting the
7 following: "receive twenty-five dollars per day.
8 Each member".
9 3. Page 18, by striking lines 15 and 16 and
10 inserting the following: "twenty-three thousand nine
11 hundred dollars for the year 1989 and subsequent years
12 while".

JULIA GENTLEMAN

S-3805

- 1 Amend Senate File 531 as follows:
2 1. Page 15, by inserting after line 10 the
3 following:
4 "Sec. ____ . There is appropriated from the railroad
5 assistance fund created under section 327H.18 to the
6 state department of transportation for the fiscal year
7 beginning July 1, 1989, and ending June 30, 1990, the
8 following amount, or so much thereof as is necessary,

9 to be used for the purposes designated:
 10 For completing the rehabilitation of the Altoona-
 11 Pella rail branch line:
 12 \$ 70,000
 13 Notwithstanding section 8.33, unobligated and
 14 unencumbered funds remaining on June 30, 1992, from
 15 the funds appropriated in this section for the fiscal
 16 year beginning July 1, 1989, shall revert to the
 17 railroad assistance fund on June 30, 1992.”
 18 2. Page 19, by inserting after line 8 the
 19 following:
 20 “Sec. ____ . Section 327C.38, Code 1989, is amended
 21 to read as follows:
 22 327C.38 ANNUAL REPORTS FROM COMPANIES.
 23 The department shall require annual reports from
 24 all common carriers subject to ~~the provisions of~~
 25 chapter 327D, and except railroad corporations as
 26 defined in section 327D.2, which shall submit a copy
 27 of its reports to the department of revenue and
 28 finance and shall submit reports to the department of
 29 transportation specifying its mileage operated, both
 30 for all tracks and intrastate tracks, changes in
 31 mileage within the state, and freight density, as
 32 defined by the department. The department shall
 33 prescribe the manner in which specific answers to all
 34 questions upon which it may need information shall be
 35 made.”
 36 3. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
 JOE WELSH, Chairperson

S-3806

1 Amend Senate File 531 as follows:
 2 1. Page 11, by striking lines 2 through 9.

DON GETTINGS

S-3807

1 Amend Senate File 531 as follows:
 2 1. Page 15, line 5, by striking the word “cities”
 3 and inserting the following: “metropolitan areas”.

JOE WELSH

S-3808

- 1 Amend Senate File 531 as follows:
- 2 1. Page 14, line 28, by striking the words "road
- 3 use tax" and inserting the word "general".

RICHARD F. DRAKE

S-3809

- 1 Amend Senate File 520 as follows:
- 2 1. Page 1, line 33, by striking the figure "1,708,000"
- 3 and inserting the following: "2,785,000".
- 4 2. Page 2, line 26, by striking the figure "2,291,817"
- 5 and inserting the following: "3,000,000".

LEONARD BOSWELL
 JOHN KIBBIE
 ELAINE SZYMONIAK
 MARK R. HAGERLA
 JACK RIFE

S-3810

- 1 Amend the House amendment, S-3752, to Senate File
- 2 472, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 3 through 8.
- 5 2. Page 1, line 11, by inserting after the word
- 6 "noncertified" the following: "private or".
- 7 3. Page 1, by striking lines 12 through 27.
- 8 4. Page 1, by striking lines 32 through 34.
- 9 5. Page 1, line 36, by striking the words
- 10 "private school or a".
- 11 6. Page 1, line 38, by striking the word
- 12 "striking" and inserting the following: "inserting
- 13 before".
- 14 7. Page 1, line 39, by striking the words "and
- 15 inserting".
- 16 8. Page 2, line 2, by inserting after the word
- 17 "programs" the following: "or to instructors in
- 18 noncertified private schools".
- 19 9. Page 2, by striking lines 10 through 16.
- 20 10. Page 2, by striking lines 19 through 35.
- 21 11. Page 2, line 37, by inserting before the
- 22 words "home instructor" the following: "private or".
- 23 12. Page 2, by striking lines 39 through 49.

- 24 13. Page 3, line 5, by inserting after the word
25 "noncertified" the following: "private or".
26 14. Page 3, by striking lines 11 through 14.
27 15. Page 3, by striking lines 20 and 21.

LARRY MURPHY

S-3811

- 1 Amend amendment, S-3745, to House File 579, as
2 passed by the House, as follows:
3 1. Page 1, line 18, by striking the words "for
4 hospitals".

AL STURGEON

S-3812

- 1 Amend Senate File 531 as follows:
2 1. Page 14, line 23, by striking the word "may"
3 and inserting the following: "shall".

JIM LIND
JOE WELSH

S-3813

- 1 Amend Senate File 531 as follows:
2 1. Page 13, by inserting after line 34, the
3 following:
4 "The funds appropriated by this section shall not
5 be used for an inspection shelter at the Brandon
6 location."

C JOSEPH COLEMAN

S-3814

- 1 Amend Senate File 520 as follows:

DIVISION S—3814A

- 2 1. Page 6, line 22, by striking the figure
3 "480,000" and inserting the following: "706,000".
4 2. Page 6, line 23, by striking the figure "28.5"
5 and inserting the following: "40.0".

DIVISION S—3814B

- 6 3. Page 7, by striking lines 28 through 33.

AL STURGEON

S-3815

- 1 Amend Senate File 520 as follows:
 2 1. Page 2, by inserting before line 8 the
 3 following:
 4 "As a condition, limitation, and qualification of
 5 this appropriation, the department shall expend not
 6 more than \$100,000 for a study on state historical
 7 sites. The department shall cooperate with the state
 8 historical society in determining the most appropriate
 9 sites for the study. The study shall examine and make
 10 recommendations on how best to develop, promote, and
 11 advertise state historical sites. The study shall
 12 also make recommendations on how best to utilize state
 13 historical sites in the state's tourism advertising
 14 and promotion. The department shall report to the
 15 general assembly the findings of the study by February
 16 1, 1991."

LEONARD BOSWELL
 DON GETTINGS
 JOE WELSH

S-3816

- 1 Amend Senate File 531 as follows:
 2 1. Page 19, by inserting before line 30 the
 3 following:
 4 "Sec. ____ . Section 307.38, Code 1989, is repealed.
 5 This section applies to amounts which, except for the
 6 provisions of this section, would have been due and
 7 payable under section 307.38 after the effective date
 8 of this section."
 9 2. Page 20, by inserting before line 5 the
 10 following:
 11 "Sec. ____ . There is appropriated from the general
 12 fund to the road use tax fund \$1,000,000 to reimburse
 13 the road use tax fund for a loan for public transit
 14 assistance under section 307.38, Code 1989."

TOM MANN, Jr.

S-3817

- 1 Amend the amendment, S-3661, to Senate File 223, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
- 4 1. Page 1, line 8, by striking the words "state.
5 A" and inserting the following: "state through a".
 - 6 2. Page 1, lines 9 and 10, by striking the words
7 "is established to meet this goal".
 - 8 3. Page 1, line 11, by striking the word "will"
9 and inserting the following: "should".
 - 10 4. Page 1, line 13, by striking the word "will".
 - 11 5. Page 1, by striking lines 15 through 17 and
12 inserting the following: "community, using both local
13 and state resources and expertise."
 - 14 6. Page 1, line 28, by inserting after the word
15 "to" the following: "prekindergarten,".
 - 16 7. Page 1, line 41, by striking the words "before
17 or after school".
 - 18 8. Page 1, line 48, by inserting after the word
19 "to" the following: "prekindergarten,".
 - 20 9. Page 2, by striking line 7 and inserting the
21 following: "from three through eight years of age,
22 which shall require knowledge of aspects of child
23 development from birth through eight years of age."
 - 24 10. Page 2, by striking lines 13 through 19, and
25 inserting the following: "the direction of the school
26 district. The department also shall indicate
27 modifications to such guidelines necessary to address
28 the needs of at-risk children."
 - 29 11. Page 2, by inserting after line 35, the
30 following:
31 "e. Assist prekindergarten instructors in the
32 development of appropriate curricula and teaching
33 practices."
 - 34 12. Page 3, line 30, by striking the word "and".
 - 35 13. Page 3, by striking lines 31 through 33, and
36 inserting the following: ", which demonstrate
37 community support, which cooperate with other
38 community agencies, which provide appropriate guidance
39 counseling services, and which use teachers with an
40 early childhood endorsement. Grant programs shall
41 contain an evaluation component that measures student
42 outcomes."
 - 43 14. Page 3, line 43, by inserting after the
44 figure "7E.6" the following: "subsection 1.
45 paragraph "a"".
 - 46 15. Page 5, line 7, by striking the word "detect"
47 and inserting the following: "further".

48 16. Page 5, line 20, by inserting after the word
 49 "children" the following: "and may consider the need
 50 for other, school-based prekindergarten programs".

CHARLES BRUNER

S-3818

- 1 Amend Senate File 523 as follows:
- 2 1. By striking page 11, line 9, through page 13,
- 3 line 4.
- 4 2. Title page, lines 7 and 8, by striking the
- 5 words "prohibiting false representations concerning a
- 6 candidate,".
- 7 3. By renumbering as necessary.

JULIA B. GENTLEMAN

S-3819

- 1 Amend House File 728, as passed by the House, as
- 2 follows:
- 3 1. Page 2, by inserting after line 6 the
- 4 following:
- 5 "Sec. ____ . Section 445.36, subsection 2, Code
- 6 1989, is amended to read as follows:
- 7 2. No demand of taxes shall be necessary, but it
- 8 shall be the duty of every person subject to taxation
- 9 to attend at the office of the treasurer, at some time
- 10 between the first Monday in August and September 1
- 11 following, and pay the person's taxes in full, or one-
- 12 half thereof before September 1 succeeding the levy,
- 13 and the remaining half before March 1 following.
- 14 However, if the first installment of a person's taxes
- 15 are delinquent and not paid as of February 15, the
- 16 treasurer shall mail a notice to the taxpayer of the
- 17 delinquency and the due date for the second
- 18 installment. Failure to receive a mailed notice is
- 19 not a defense to the payment of the tax and any
- 20 interest and penalty due.
- 21 Sec. ____ . Section 445.39, Code 1989, is amended to
- 22 read as follows:
- 23 445.39 INTEREST AS PENALTY.
- 24 If the first installment of taxes is not paid by
- 25 the delinquent date specified in section 445.37, the
- 26 installment shall become due and draw interest, as a
- 27 penalty, of ~~one~~ two percent per month until paid, from
- 28 the delinquent date following the levy; and if the

29 last half is not paid by April 1 following the levy,
30 the same interest shall be charged from the date the
31 last half became delinquent. However, after April 1
32 in a fiscal year when late certification of the tax
33 list results in a penalty date later than October 1
34 for the first installment, penalties on delinquent
35 first installments shall accrue as if certification
36 were made on the previous June 30. The interest
37 penalty imposed under this section shall be computed
38 to the nearest whole dollar and the amount of interest
39 shall not be less than one dollar.

40 Sec. ____ . Section 446.9, subsections 1 and 2, Code
41 1989, are amended to read as follows:

42 1. A notice of the time and place of the annual
43 tax sale shall be served upon the person in whose name
44 the real estate subject to sale is taxed. The
45 treasurer shall serve the notice by sending it by
46 regular first class mail to the person's last known
47 address not later than May 1 of each fiscal year. The
48 notice shall contain a description of the real estate
49 to be sold which is clear, concise, and sufficient to
50 distinguish the real estate to be sold from all other

Page 2

1 parcels. It shall also contain the amount of
2 delinquent taxes, both regular and special, for which
3 the real estate is liable each year, the amount of the
4 penalty, interest, and ~~ten dollars representing costs~~
5 the actual cost of publication, all to be incorporated
6 as a single sum. The notice shall contain a statement
7 that, after the sale, if the real estate is not
8 redeemed within the period provided in chapter 447,
9 the right to redeem expires and a deed may be issued.

10 2. Publication of the time and place of the annual
11 tax sale shall be made once by the treasurer in an
12 official newspaper in the county at least one week,
13 but not more than three weeks, before the day of sale.
14 The publication shall contain a description of the
15 real estate to be sold that is clear, concise, and
16 sufficient to distinguish the real estate to be sold
17 from all other parcels. All items offered for sale
18 pursuant to section 446.18 may be indicated by an "s"
19 or by an asterisk. The publication shall also contain
20 the name of the person in whose name the real estate
21 to be sold is taxed, the amount of delinquent taxes,
22 both regular and special, for which the real estate is
23 liable for each year, the amount of the penalty,
24 interest, and ~~ten dollars representing costs~~ the
25 actual cost of publication, all to be incorporated as

26 a single sum. The publication shall contain a
 27 statement that, after the sale, if the real estate is
 28 not redeemed within the period provided in chapter
 29 447, the right to redeem expires and a deed may be
 30 issued.”
 31 2. Title page, line 4, by inserting after the
 32 word “publications,” the following: “by providing
 33 notice and penalty for delinquent taxes.”
 34 3. By numbering sections as necessary.

ALVIN V. MILLER
 MAGGIE TINSMAN
 BERL E. PRIEBE
 BOB CARR
 LINN FUHRMAN
 RICHARD VANDE HOEF
 EUGENE S. FRAISE
 KENNETH D. SCOTT
 ELAINE SZYMONIAK

S-3820

1 Amend Senate File 531 as follows:
 2 1. By striking page 15, line 22, through page 17,
 3 line 8.
 4 2. Title page, by striking lines 9 through 11,
 5 and inserting the following: “agency purchases, and
 6 providing”.

AL STURGEON
 LINN FUHRMAN

S-3821

1 Amend Senate File 531 as follows:
 2 1. Page 19, by inserting before line 30 the
 3 following:
 4 “Sec. ____ . Section 602.8106, subsection 4, Code
 5 1989, is amended to read as follows:
 6 4. The clerk shall remit all other fines and
 7 forfeited bail received from a magistrate to the
 8 treasurer of state to be credited to the general fund
 9 of the state, except overweight vehicle fines which
 10 shall be credited to the road use tax fund.”

JOHN W. JENSEN
 RICHARD F. DRAKE

S-3822

- 1 Amend Senate File 531 as follows:
- 2 1. Page 14, line 28, by striking the word "road".

JIM LIND

S-3823

- 1 Amend Senate File 531 as follows:
- 2 1. Page 15, line 5, by striking the word "ten".

EUGENE FRAISE

S-3824

- 1 Amend Senate File 531 as follows:
- 2 1. Page 19, by inserting before line 31 the
- 3 following:
- 4 "Sec. ____ . 1988, Iowa Acts, chapter 1278, section
- 5 19, is amended to read as follows:
- 6 Sec. 19. Notwithstanding section 423.24, and prior
- 7 to application of section 423.24, subsection 1,
- 8 paragraph "b", there is appropriated from revenues
- 9 derived from the operation of section 423.7 to the
- 10 state department of transportation for the fiscal year
- 11 period beginning July 1, 1988, and ending June 30,
- 12 ~~1989~~ 1990, the sum of two hundred fifty thousand
- 13 (250,000) dollars, or so much thereof as is necessary,
- 14 for the purposes of terminal improvements at essential
- 15 air service airports. In selecting projects, the
- 16 state department of transportation shall give
- 17 preference to projects that will assist in maintaining
- 18 and attracting air service. Moneys appropriated under
- 19 this section shall be used only for new projects for
- 20 terminals which have annual enplanements of under
- 21 forty thousand persons. The department shall provide
- 22 funding for as many essential air service communities
- 23 as possible."

ALVIN V. MILLER

S-3825

- 1 Amend Senate File 531 as follows:
- 2 1. Page 4, line 24, by striking the figure
- 3 "4,275,553" and inserting the following: "4,462,528".

- 4 2. Page 4, line 25, by striking the figure
5 "111.00" and inserting the following: "115.00".
- 6 3. Page 4, line 27, by striking the figure
7 "4,585,503" and inserting the following: "4,722,478".
- 8 4. Page 4, line 30, by striking the figure
9 "777,408" and inserting the following: "827,408".
- 10 5. Page 4, line 35, by inserting after the word
11 "condition." the following: "As an additional
12 condition, limitation, and qualification of this
13 appropriation, moneys shall be spent to hire four new
14 criminalists and provide related support items. The
15 department of public safety shall develop performance
16 measures which assist in evaluating the effectiveness
17 of the state criminalistics laboratory. The measures
18 shall address the length of time requested laboratory
19 analyses take to be performed. The measures may be
20 reviewed by the appropriations subcommittee on
21 transportation and safety and considered for adoption.
22 The department shall provide the information on a
23 quarterly basis."
- 24 6. Page 5, line 7, by striking the figure
25 "1,208,154" and inserting the following: "2,014,147".
- 26 7. Page 5, line 8, by striking the figure "23.0"
27 and inserting the following: "41.0".
- 28 8. Page 5, line 10, by striking the figure
29 "1,011,434" and inserting the following: "1,460,047".
- 30 9. Page 5, line 13, by striking the figure
31 "201,720" and inserting the following: "559,100".
- 32 10. Page 5, line 17, by inserting after the word
33 "condition." the following: "As an additional
34 condition, limitation, and qualification of this
35 appropriation, moneys shall be spent to hire ten new
36 special agents for narcotics enforcement efforts, four
37 support staff, and related support items. The
38 department of public safety shall report to the
39 appropriations subcommittee on transportation and
40 safety, during the 1990 legislative session, on the
41 expenditures of these funds for this purpose, and
42 shall develop performance measures for the entire
43 division which assist in evaluating the effectiveness
44 of the narcotics enforcement efforts. The measures
45 may be reviewed by the appropriations subcommittee and
46 considered for adoption. The department of public
47 safety shall provide the information on a quarterly
48 basis."

CALVIN O. HULTMAN
JIM LIND

S-3826

- 1 Amend Senate File 531 as follows:
2 1. Page 19, by inserting before line 30 the
3 following:
4 "Sec. ____ . Section 307.38, Code 1989, is repealed.
5 This section applies to amounts which, except for the
6 provisions of this section, would have been due and
7 payable under section 307.38 after the effective date
8 of this section."
9 2. Page 20, by inserting before line 5 the
10 following:
11 "Sec. ____ . There is appropriated from the general
12 fund to the road use tax fund \$1,000,000 to reimburse
13 the road use tax fund for a loan for public transit
14 assistance under section 307.38, Code 1989."

TOM MANN, Jr.
ELAINE SZYMONIAK
RICHARD F. DRAKE
JULIA GENTLEMAN

S-3827

- 1 Amend Senate File 531 as follows:
2 1. Page 2, line 9, by striking the figure
3 "3,251,065" and inserting the following: "3,073,101".
4 2. Page 2, line 10, by striking the figure
5 "144.26" and inserting the following: "136.26".
6 3. Page 5, line 7, by striking the figure
7 "1,208,154" and inserting the following: "1,350,118".
8 4. Page 5, line 8, by striking the figure "23.0"
9 and inserting the following: "31.0".
10 5. Page 5, line 10, by striking the figure
11 "1,011,434" and inserting the figure "1,153,398".

BEVERLY A. HANNON
TOM MANN, Jr.

S-3828

- 1 Amend Senate File 531 as follows:
2 1. Page 14, by striking line 28 and inserting the
3 following:
4 "Sec. ____ . Notwithstanding section 423.24 and
5 prior to application of section 423.24, subsection 1,

6 paragraph "b", there is appropriated from revenues
7 derived from the operation of section 423.7".

JIM LIND

S-3829

1 Amend Senate File 531 as follows:

2 1. Page 20, by inserting before line 5 the
3 following:

4 "Sec. ____ . The state department of transportation
5 shall provide an access road to property located to
6 the south of state highway 57 between Utica street and
7 Park road in the city of Waterloo."

8 2. Page 20, by inserting before line 5 the
9 following:

10 "Sec. ____ . The state department of transportation
11 shall remove the median to permit a left hand turn on
12 United States highway 151 along the eleven hundred
13 block of Seventh avenue in the city of Marion to allow
14 access to the downtown shopping area for purposes of
15 promoting economic development, unless there is a
16 jurisdictional transfer of this portion of United
17 States highway 151 to the city of Marion by July 1,
18 1989."

JIM LIND

S-3830

1 Amend the amendment, S-3634, to House File 250, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. By striking page 1, line 1 through page 2,
5 line 33, and inserting the following:

6 "Amend House File 250, as amended, passed, and
7 reprinted by the House, as follows:

8 ____ . By striking everything after the enacting
9 clause and inserting the following:

10 "Section 1. NEW SECTION. 80.40 CRIME
11 INFORMATION.

12 The department shall establish a program to
13 collect, classify, record, and disseminate information
14 relating to crimes motivated by bigotry and bias.
15 Planning for this project shall be completed and data
16 collection shall commence no later than January 1,
17 1991.

18 Sec. 2. Section 729.5, Code 1989, is amended to

19 read as follows:

20 729.5 PROHIBITING VIOLATIONS OF AN INDIVIDUAL'S
21 CIVIL RIGHTS -- PENALTIES.

22 1. Persons within the state of Iowa have the right
23 to be free from any violence, or intimidation by
24 threat of violence, committed against their persons or
25 property because of their race, color, religion,
26 ancestry, national origin, political affiliation, or
27 sex.

28 2. A person who conspires with another person or
29 persons to injure, oppress, threaten, or intimidate,
30 or interfere with any citizen in the free exercise or
31 enjoyment of any right or privilege secured to that
32 person by the constitution or laws of the state of
33 Iowa or by the constitution or laws of the United
34 States, and assembles with one or more persons for the
35 purpose of teaching or being instructed in any
36 technique or means capable of causing property damage,
37 bodily injury or death when the person or persons
38 intend to employ those techniques or means in
39 furtherance of the conspiracy, is on conviction,
40 guilty of a class "D" "C" felony. Evidence of
41 intimidation includes, but is not limited to, the
42 burning of crosses and other symbols.

43 3. A person who maliciously and intentionally
44 intimidates or interferes with another citizen because
45 of that citizen's race, color, religion, ancestry,
46 national origin, political affiliation, or sex and
47 while doing so commits any of the following acts, is
48 guilty of a class "D" felony:

- 49 a. Causes physical injury to that citizen.
50 b. By words or conduct places that citizen in

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1 reasonable fear of harm to self or property or harm to
2 the person or property of a third person.

3 c. Causes physical damage to or destruction of the
4 property of that citizen.

5 § 4. The fact that a person committed a felony or
6 misdemeanor, or attempted to commit a felony, because
7 of the victim's race, color, religion, ~~nationality~~,
8 ~~country of~~ ancestry, national origin, political
9 affiliation, or sex, shall be considered a
10 circumstance in aggravation of any crime in imposing a
11 sentence and fine.

12 5. A victim who has suffered physical, emotional,
13 or financial harm as a result of a violation of this
14 section is entitled to injunctive relief, reasonable

15 attorney fees, and costs.

16 4 6. This section does not make unlawful the
17 teaching of any technique in self-defense.

18 5 7. This section does not make unlawful any
19 activity of:

20 a. Law enforcement officials of this or any other
21 jurisdiction while engaged in the lawful performance
22 of their official duties;

23 b. Federal officials required to carry firearms
24 while engaged in the lawful performance of their
25 official duties;

26 c. Members of the armed forces of the United
27 States or the national guard while engaged in the
28 lawful performance of their official duties; or

29 d. Any conservation commission, law enforcement
30 agency, or any agency licensed to provide security
31 services, or any hunting club, gun club, shooting
32 range, or other organization or entity whose primary
33 purpose is to teach the safe handling or use of
34 firearms, archery equipment, or other weapons or
35 techniques employed in connection with lawful sporting
36 or other lawful activity.”

37 ____ . Title page, lines 1 through 3 by striking
38 the words “by prohibiting interference with the
39 contractual or business relations of another
40 citizen.””

RAY TAYLOR
RICHARD RUNNING

S-3831

1 Amend amendment, S-3573, to House File 703, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 2, line 32, by striking the words “which
5 issues bonds,”.

6 2. Page 2, line 43, by inserting after the word
7 “county” the following: “to pay”.

8 3. Page 3, line 6, by inserting after the word
9 “program,” the following: “to pay”.

ALVIN MILLER

S-3832

1 Amend House File 690, as amended, passed, and
2 reprinted by the House, as follows:

- 3 1. Page 1, by striking lines 9 through 11 and
4 inserting the following:
5 "(1) ~~Conditions created by~~ Serious mental injury
6 caused by the acts of the child's parent, guardian, or
7 custodian; ~~or.~~"
- 8 2. Page 1, by striking lines 21 through 31 and
9 inserting the following: "following new subsections:
10 **NEW SUBSECTION. 21A.** "Imminent risk to a child's
11 life or health" means it is shown by a preponderance
12 of evidence that there is a substantial risk of harm
13 to a child and the child's safety cannot be assured.
14 Imminent risk may be determined from existing injuries
15 inflicted upon the child, or by the likelihood of
16 future injury to the child.
17 **NEW SUBSECTION. 44A.** "Serious mental injury"
18 means an injury to a child's intellectual or
19 psychological capacity as evidenced by an observable
20 and substantial impairment in the child's ability to
21 function within the child's normal range of
22 performance and behavior origin."
- 23 3. Page 2, line 17 by striking the word
24 "observation,".
- 25 4. Page 2, by striking lines 22 through 28.
- 26 5. Page 4, by striking lines 3 through 5 and
27 inserting the following: "parents. However, if the
28 department".
- 29 6. Page 4, by striking lines 25 through 28 and
30 inserting the following: "report and ~~examination an~~
31 interview or inspection of the child may be conducted.
32 If permission to enter the home ~~or facility~~ and to
33 ~~examine~~ interview or inspect the child is refused, the
34 juvenile court or".
- 35 7. Page 4, by striking line 31 and inserting the
36 following: "facility and examine interview or inspect
37 the child."
- 38 8. Page 5, line 10 by striking the words "and
39 observing".
- 40 9. Page 5, line 14 by striking the words "or
41 observation".
- 42 10. Page 5, line 22, by striking the word "
43 observation,".
- 44 11. Page 7, by striking lines 11 through 15 and
45 inserting the following: "disposition of a child
46 abuse report."
- 47 12. By striking page 9, line 34, through page 10,
48 line 10.
- 49 13. By striking page 12, line 8, through page 13,
50 line 13, and inserting the following:

Page 2

1 "Sec. ____ . Section 910A.14, subsection 1,
2 unnumbered paragraph 2, Code 1989, is amended by
3 striking the paragraph.
4 Sec. ____ . Section 910A.14, subsection 2, Code
5 1989, is amended to read as follows:
6 2. The court may, upon its own motion or upon
7 motion of a party, order that the testimony of a
8 child, as defined in section 702.5, be taken by
9 recorded deposition for use at trial, pursuant to rule
10 of criminal procedure 12(2)(b). In addition to
11 requiring that such testimony be recorded by
12 stenographic means, the court may on motion and
13 hearing, and upon a finding that the child is
14 unavailable as provided in Iowa rules of evidence
15 804(a), order the videotaping of the child's testimony
16 for viewing in the courtroom by the court. The
17 videotaping shall comply with the provisions of rule
18 of criminal procedure 12(2)(b), and shall be
19 admissible as evidence in the trial of the cause."
20 14. By renumbering and relettering as necessary.

JULIA B. GENTLEMAN

S-3833

1 Amend House File 250, 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. 80.40 CRIME
6 INFORMATION.
7 The department shall establish a program to
8 collect, classify, and disseminate information
9 relating to violations of section 729.5. Planning for
10 this project shall be completed and data collection
11 shall commence no later than January 1, 1991.
12 Sec. 2. Section 729.5, subsections 1 through 3,
13 Code 1989, are amended to read as follows:
14 1. Persons within the state of Iowa have the right
15 to be free from any violence, or intimidation by
16 threat of violence, committed against their persons or
17 property because of their race, color, religion,
18 ancestry, national origin, political affiliation, or
19 sex, sexual orientation, age, or disability.
20 2. A person who conspires with another person or
21 persons to injure, oppress, threaten, or intimidate or
22 interfere with any citizen in the free exercise or

23 enjoyment of any right or privilege secured to that
 24 person by the constitution or laws of the state of
 25 Iowa or by the constitution or laws of the United
 26 States, and assembles with one or more persons for the
 27 purpose of teaching or being instructed in any
 28 technique or means capable of causing property damage,
 29 bodily injury or death when the person or persons
 30 intend to employ those techniques or means in
 31 furtherance of the conspiracy, is on conviction,
 32 guilty of a class "D" felony.

33 3. The fact that a person committed a felony or
 34 misdemeanor, or attempted to commit a felony, because
 35 of the victim's race, color, religion, nationality,
 36 country of ancestry, national origin, political
 37 affiliation, ~~or~~ sex, sexual orientation, age, or
 38 disability, shall be considered a circumstance in
 39 aggravation of any crime in imposing sentence and
 40 evidence of such fact includes, but is not limited to,
 41 the burning of crosses and other symbols, and a
 42 rebuttable presumption of the fact arises where such
 43 an act is shown to have been committed."

44 2. Title page, by striking lines 1 through 6 and
 45 inserting the following: "An Act relating to
 46 violations of an individual's civil rights, by
 47 establishing a program to monitor civil rights
 48 violations, and providing a penalty."

RICHARD VARN
 TOM MANN
 JIM LIND
 PAUL PATE
 LARRY MURPHY
 LINN FUHRMAN

S-3834

1 Amend the amendment, S-3833, to House File 250, as
 2 amended, passed and reprinted by the House as follows:

3 1. Page 1, line 18, by inserting after the word
 4 "affiliation," the following: "membership or
 5 nonmembership in a labor union,".

6 2. Page 1, line 37, by inserting after the word
 7 "affiliation," the following: "membership or
 8 nonmembership in a labor union,".

LINN FUHRMAN

S-3835

- 1 Amend Senate File 523 as follows:
- 2 1. Page 7, line 15, by striking the word
- 3 "NEGATIVE".
- 4 2. Page 7, by striking lines 16 through 20, and
- 5 inserting the following:
- 6 "A person whose state income tax liability for ~~any~~
- 7 ~~taxable a tax~~ year is one dollar and fifty cents or
- 8 more, ~~when submitting the person's state income tax~~
- 9 ~~return to the department of revenue and finance,~~ may
- 10 direct that one dollar and fifty cents of that".
- 11 3. Page 7, line 21, by striking the word "be" and
- 12 inserting the following: "be".
- 13 4. Page 7, by striking lines 26 and 27 and
- 14 inserting the following: "of three dollars or more,
- 15 each spouse may direct that one dollar and fifty
- 16 cents".
- 17 5. Page 7, line 28, by striking the word "be" and
- 18 inserting the following: "be".
- 19 6. Page 7, by striking lines 31 and 32 and
- 20 inserting the following: "contributions made under
- 21 this section be credited to ~~a specified~~".
- 22 7. Page 8, by striking lines 2 through 5 and
- 23 inserting the following: "the taxpayer of the
- 24 consequences of the choices provided under this
- 25 section, but this".
- 26 8. Page 9, line 17, by striking the word
- 27 "NEGATIVE".
- 28 9. Page 9, line 19, by striking the word
- 29 "negative".
- 30 10. Page 9, by striking lines 22 and 23 and
- 31 inserting the following: "not constitute an
- 32 additional tax liability."
- 33 11. Page 9, by striking lines 28 through 31.

JULIA B. GENTLEMAN

HOUSE AMENDMENT TO
SENATE FILE 199

S-3836

- 1 Amend Senate File 199, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, by striking lines 19 and 20 and in-
- 4 serting the following:

5 "Sec. 3. Section 237A.3, subsections 1 and 2, Code
6 1989, are amended to read as follows:

7 1. A person who operates or establishes a family
8 day care home may apply to the department for
9 registration under this chapter. The department shall
10 issue a certificate of registration upon receipt of a
11 statement from the family day care home that the home
12 complies with rules adopted by the department. The
13 registration certificate shall be posted in a
14 conspicuous place in the family day care home, shall
15 state the name of the registrant, the number of
16 individuals who may be received for care at any one
17 time and the address of the home, and shall include a
18 check list of registration compliances. No greater
19 number of children than is authorized by the
20 certificate shall be kept in the family day care home
21 at any one time. A registered or unregistered family
22 day care home may provide care for a period of two
23 hours or less to more than six but less than twelve
24 children at one time if no more than six of the
25 children are not attending school on at least the
26 kindergarten level. The registration process may be
27 repeated on an annual basis. A facility which is not
28 a family day care home by reason of the definition of
29 child day care in section 237A.1, subsection 7, but
30 which provides care, supervision or guidance to a
31 child may be issued a certificate of registration
32 under this chapter."

33 2. Page 1, by striking lines 27 through 30 and
34 inserting the following: "present for more than a
35 two-hour period. However, a group day care home may
36 provide care to no more than sixteen children at one
37 time for a period of one hour or less if no more than
38 six of the children are not attending school on at
39 least the kindergarten level and the".

40 3. Title page, line 2, by inserting after the
41 word "for" the following: "family and".

42 4. By renumbering, relettering, or redesignating
43 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 56

S-3837

1 Amend Senate File 56, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. By striking page 1, line 31 through page 2,

4 line 10.

5 2. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 371

S-3838

1 Amend Senate File 371, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 26, the
4 following:

5 "Sec. ____ . Section 43.15, subsection 1, Code 1989,
6 is amended by striking the subsection and inserting in
7 lieu thereof the following:

8 1. A signer may sign nomination papers for more
9 than one candidate for the same office, and the
10 signature is not invalid solely because the signer
11 signed nomination papers for one or more other
12 candidates for the office."

13 2. Page 13, by striking lines 8 through 14 and
14 inserting the following: "not sign it. A person may
15 sign nomination petitions under this chapter for more
16 than one candidate for the same office, and the
17 signature is not invalid solely because the person
18 signed nomination petitions for one or more other
19 candidates for the office."

20 3. Page 15, line 13, by inserting after the word
21 "elector" the following: ", presented in person with
22 proper identification in the office of the county
23 commissioner of registration".

24 4. Page 16, by striking lines 18 and 19 and
25 inserting the following: "partisan county offices on
26 the ballot with the board of supervisors first,
27 followed by the other county offices and township
28 offices in the same sequence in which they appear in
29 sections 39.17 and 39.22."

30 5. Page 29, by striking lines 14 through 16 and
31 inserting the following: "district, rather than at
32 large. A person may sign nomination petitions for
33 more than one candidate for the same office, and the
34 signature is not invalid solely because the person
35 signed nomination petitions for one or more other
36 candidates for the office. The petition shall ~~include~~
37 be filed with the".

38 6. Page 30, by inserting after line 21, the
39 following:

40 "Sec. ____ . Section 280A.15, subsection 2, Code

41 1989, is amended to read as follows:

42 2. A candidate for member of the board of
43 directors of a merged area shall be nominated by a
44 petition signed by not less than fifty eligible
45 electors of the director district from which the
46 member is to be elected. The petition shall state the
47 number of the director district from which the
48 candidate seeks election, and the candidate's name and
49 status as an eligible elector of the director
50 district. Signers of the petition, in addition to

Page 2

1 signing their names, shall show their residence,
2 including street and number if any, the school
3 district in which they reside, and the date they
4 signed the petition. A person may sign nomination
5 petitions for more than one candidate for the same
6 office, and the signature is not invalid solely
7 because the person signed nomination petitions for one
8 or more other candidates for the office. The petition
9 shall include the affidavit of the candidate being
10 nominated, stating the candidate's name and residence,
11 and that the individual is a candidate, is eligible
12 for the office sought, and if elected will qualify for
13 the office."

14 7. Page 32, by striking lines 26 through 28 and
15 inserting the following: "city election, but not less
16 than ten persons. A person may sign nomination
17 petitions for more than one candidate for the same
18 office, and the signature is not invalid solely
19 because the person signed nomination petitions for one
20 or more other candidates for the office. Nomination
21 petitions shall be".

22 8. Page 32, by inserting after line 30 the
23 following:

24 "Sec. ____ . Section 467A.5, subsection 3, Code
25 1989, is amended to read as follows:

26 3. At each general election a successor shall be
27 chosen for each commissioner whose term will expire in
28 the succeeding January. Nomination of candidates for
29 the office of commissioner shall be made by petition
30 in accordance with chapter 45, except that each
31 candidate's nominating petition shall be signed by at
32 least twenty-five eligible electors of the district.
33 The petition form shall be furnished by the county
34 commissioner of elections. Every candidate shall file
35 with the nomination papers an affidavit stating that the
36 candidate's name, the candidate's residence, that the
37 person is a candidate and is eligible for the office

38 of commissioner, and that if elected the candidate
 39 will qualify for the office. ~~An eligible elector~~
 40 ~~shall not in any one year sign the nominating~~
 41 ~~petitions of a number of candidates greater than the~~
 42 ~~number of commissioners to be elected in that year.~~
 43 The signed petitions shall be filed with the county
 44 commissioner of elections not later than five o'clock
 45 p.m. on the fifty-fifth day prior to the general
 46 election. The votes for the office of district
 47 commissioner shall be canvassed in the same manner as
 48 the votes for county officers, and the returns shall
 49 be certified to the commissioners of the district. A
 50 plurality shall be sufficient to elect commissioners,

Page 3

1 and no primary election for the office shall be held.
 2 If the canvass shows that the two candidates receiving
 3 the highest and the second highest number of votes for
 4 the office of district commissioner are both residents
 5 of the same township, the board shall certify as
 6 elected the candidate who received the highest number
 7 of votes for the office and the candidate receiving
 8 the next highest number of votes for the office who is
 9 not a resident of the same township as the candidate
 10 receiving the highest number of votes."
 11 9. By numbering and renumbering as necessary.

S-3839

1 Amend Senate File 531 as follows:

DIVISION S—3839A

2 1. Page 15, by inserting after line 21 the
 3 following:
 4 "Sec. ____ . Section 306C.10, Code 1989, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 22. "Outdoor advertising display
 7 sign" means a rigidly assembled sign, display, or
 8 device temporarily or permanently affixed to the
 9 ground or attached to a building exterior or the
 10 exterior of any other inherently permanent structure,
 11 and constituting or used for the display of a
 12 commercial or other advertisement or which otherwise
 13 directs the attention of the public to a product."

DIVISION S—3839B

14 2. Page 17, by inserting after line 8 the
15 following:
16 “Sec. ____ . NEW SECTION. 306C.25 OUTDOOR
17 ADVERTISING OF TOBACCO PRODUCTS PROHIBITED.
18 Effective July 1, 1989, a person shall not place or
19 cause to be placed in any manner, an advertisement for
20 cigarettes as defined in section 98.1, subsection 1,
21 or tobacco products as defined in section 98.42,
22 subsection 1, on an outdoor advertising display sign.”

RAY TAYLOR

S-3840

1 Amend the amendment, S-3495, to House File 140 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 1, line 4, by inserting after the word
4 “producing” the following: “rabbits or”.
5 2. Page 1, line 6, by inserting after the word
6 “producing” the following: “rabbits or”.
7 3. Page 1, line 10, by inserting before the word
8 “production” the following: “or rabbit”.
9 4. Page 1, line 13, by inserting before the word
10 “producing” the following: “or rabbit”.

NORMAN GOODWIN

S-3841

1 Amend the amendment, S-3495, to House File 140 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 1, line 4, by striking the word “poultry”
4 and inserting the following: “broilers”.
5 2. Page 1, line 7, by striking the word “poultry”
6 and inserting the following: “broilers”.
7 3. Page 1, line 10, by striking the word
8 “poultry” and inserting the following: “broiler”.
9 4. Page 1, line 13, by striking the word
10 “poultry” and inserting the following: “broiler”.
11 5. Page 1, line 14, by inserting after the word
12 “equipment.” the following: “A total of no more than
13 three million dollars shall be allowed in loans for
14 broiler producing under this division.”

RICHARD VANDE HOEF

S-3842

- 1 Amend the amendment, S-3495, to House File 140 as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 1, line 4, by striking the word "poultry"
- 4 and inserting the following: "broilers".
- 5 2. Page 1, line 7, by striking the word "poultry"
- 6 and inserting the following: "broilers".
- 7 3. Page 1, line 10, by striking the word
- 8 "poultry" and inserting the following: "broiler".
- 9 4. Page 1, line 13, by striking the word
- 10 "poultry" and inserting the following: "broiler".
- 11 5. Page 1, line 14, by inserting after the word
- 12 "equipment." the following: "A total of no more than
- 13 three million dollars shall be allowed in loans for
- 14 broiler production under this division."

RICHARD VANDE HOEF

S-3843

- 1 Amend House File 451, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, line 31, by inserting after the word
- 4 "counties" the following: "and the Iowa hospital
- 5 association".
- 6 2. Page 3, line 35, by striking the word "audit"
- 7 and inserting the following: "audits".
- 8 3. Page 4, line 2, by striking the word
- 9 "association" and inserting the following:
- 10 "associations".

AL STURGEON

S-3844

- 1 Amend Senate File 519, as follows:
- 2 1. Page 2, by striking lines 1 and 2 and
- 3 inserting the following: "procedures relating to the
- 4 board of parole's statutory authority, subject to the
- 5 approval".

BOB M. CARR

S-3845

- 1 Amend Senate File 514 as follows:

- 2 1. Page 1, by inserting after line 18 the fol-
- 3 lowing:
- 4 "f. Medicare certified hospice programs."

BEVERLY A. HANNON

HOUSE AMENDMENT TO
SENATE FILE 525

S-3846

- 1 Amend Senate File 525, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 13, by inserting after the word
- 4 "boat." the following: "The videotaping shall be
- 5 performed under guidelines set by rule of the division
- 6 of criminal investigation and the rules may be
- 7 required that all or part of the original tapes be
- 8 submitted to the division on a timely schedule."
- 9 2. Page 2, line 1, by striking the word "may" and
- 10 inserting the following: "shall".
- 11 3. By renumbering, relettering, or redesignating
- 12 and correcting internal references as necessary.

S-3847

- 1 Amend Senate File 392 as follows:
- 2 1. Page 1, by inserting after line 27, the
- 3 following:
- 4 "After commencement of a contested case, this
- 5 section shall not authorize ex parte communication
- 6 between a health care provider of the employee and the
- 7 employer or insurance carrier."

TOM MANN, Jr.

HOUSE AMENDMENT TO
SENATE FILE 266

S-3848

- 1 Amend Senate File 266 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking line 5 and inserting the
- 4 following: "not have an increased revenue requirement
- 5 finally".

6 2. Title page, by striking line 3 and inserting
7 the following: "revenue requirements may be finally
8 approved by".

HOUSE AMENDMENT TO
SENATE FILE 369

S-3849

1 Amend Senate File 369 as follows:

2 1. Page 3, by inserting after line 16 the
3 following:

4 "Sec. ____ . Section 8.31, unnumbered paragraph 3,
5 Code 1989, is amended to read as follows:

6 Allotments of appropriations made for equipment,
7 land, permanent improvements, and other capital
8 projects may, however, be allotted in one amount by
9 major classes or projects for which they are
10 expendable without regard to quarterly periods. For
11 fiscal years beginning on or after July 1, 1989,
12 allotments of appropriations for equipment, land,
13 permanent improvements, and other capital projects,
14 except where contracts have been entered into with
15 regard to the acquisition or project prior to July 1,
16 1989, shall not be allotted in one amount but shall be
17 allotted at quarterly periods as provided in this
18 section."

19 2. Page 3, by inserting after line 16 the
20 following:

21 "Sec. ____ . Section 312.2A, subsection 1, Code
22 1989, is amended by striking the subsection.

23 Sec. ____ . Section 312.2A, subsection 2, Code 1989,
24 is amended to read as follows:

25 2. The treasurer of state, before making the
26 allotments provided for in section 312.2, shall credit
27 for the fiscal ~~year period~~ beginning July 1, 1988, and
28 ending June 30, ~~1989~~ 1990, to the state department of
29 transportation one hundred thousand dollars from the
30 road use tax fund from revenue credited to the road
31 use tax fund under section 423.24, subsection 1,
32 paragraph "b". The state department of transportation
33 shall expend the moneys to carry out the statewide
34 trails development plan provided for in section 111F.2
35 and to acquire land and other property to complete
36 parts of existing recreational trails including, but
37 not limited to, the Cedar Valley nature trail, the
38 Heritage trail, the Grundy county nature trail, and
39 the Comet trail as provided in section 111F.2.

40 subsection 3.”

- 41 3. Title page, line 5, by inserting after the
 42 word “funds,” the following: “relating to moneys
 43 appropriated for recreational trails.”
 44 4. By renumbering, relettering, or redesignating
 45 and correcting internal references as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 419

S-3850

- 1 Amend Senate File 419, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 32, by inserting after the word
 4 “management” the following: “and the energy and
 5 geological resources division of the department of
 6 natural resources”.
 7 2. Page 3, line 7, by inserting after the word
 8 “program” the words “for energy efficiency”.
 9 3. Page 3, by inserting after line 23 the
 10 following:
 11 “Sec. ____ . Section 476.1A, unnumbered paragraph 2,
 12 Code 1989, is amended to read as follows:
 13 However, sections 476.20, 476.21, 476.41 through
 14 476.44, 476.51, 476.56, 476.62, and 476.66 and
 15 chapters 476A and 478, to the extent applicable, apply
 16 to such electric utilities.
 17 Sec. ____ . Section 476.1B, subsection 1, Code 1989,
 18 is amended by adding the following new paragraph:
 19 NEW PARAGRAPH. j. Enforcement of section 476.62.”
 20 4. Page 4, by striking lines 25 through 33.
 21 5. Page 5, by striking line 34.
 22 6. By renumbering, relettering, or redesignating
 23 and correcting internal references as necessary.

S-3851

- 1 Amend House amendment S-3846 to Senate File
 2 525, as amended, passed and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by inserting after line 10 the
 5 following:
 6 “ ____ . Page 3, line 31, by inserting after the
 7 period the following: “However, to the extent this
 8 amount exceeds \$100,000, the remainder of the
 9 adjusted gross receipts otherwise deposited in

10 the gamblers assistance fund shall be deposited in
 11 a children's trust fund to be appropriated by the
 12 general assembly for child abuse prevention
 13 projects, services to children with special needs,
 14 and innovative programs designed to improve oppor-
 15 tunities for Iowa's children.””

CHARLES BRUNER

S-3852

1 Amend the House amendment, S-3713, to Senate File
 2 450, as passed by the Senate, as follows:
 3 1. Page 1, by striking lines 3 through 33, and
 4 inserting the following:
 5 “ ___ . Page 3, line 9, by striking the word
 6 “Kindergarten” and inserting the following:
 7 “~~Kindergarten~~ Public school kindergarten”.
 8 ___ . Page 3, line 10, by inserting before the
 9 word “prekindergarten” the following: “public and
 10 nonpublic school”.
 11 ___ . Page 3, line 31, by inserting after the word
 12 “school” the following: “or whose presence in school
 13 has been found to be injurious to the health of other
 14 pupils.”

WALLY HORN

S-3853

1 Amend the House amendment, S-3846, to Senate File
 2 525, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by inserting after line 10 the
 5 following:
 6 “ ___ . Page 3, line 5, by striking the word “nine”
 7 and inserting the following: “five”.”

KAY HEDGE
 WILLIAM DIELEMAN
 RAY TAYLOR

HOUSE AMENDMENT TO
 SENATE FILE 363

S-3854

1 Amend Senate File 363 as amended, passed, and

2 reprinted by the Senate, as follows:

3 1. Page 3, line 5, by striking the figure
4 "2,600,000" and inserting the following: "2,200,000".

5 2. Page 3, line 9, by striking the figure
6 "300,000" and inserting the following: "600,000".

7 3. Page 3, line 17, by striking the figure
8 "1,000,000" and inserting the following: "1,200,000".

9 4. Page 8, line 15, by striking the word "April"
10 and inserting the following: "March".

11 5. Page 8, line 18, by striking the word "April"
12 and inserting the following: "March".

13 6. Page 8, by inserting after line 18 the
14 following:

15 "Sec. ____ . 1988 Iowa Acts, chapter 1276, section
16 1, subsection 1, is amended to read as follows:

17 1. For aid to families with dependent children:

18 \$ 48,328,449
19 47,328,449

20 Sec. ____ . 1988 Iowa Acts, chapter 1276, section
21 11, is amended to read as follows:

22 SEC. 11. MENTAL HEALTH INSTITUTES. There is

23 appropriated from the general fund of the state for

24 the fiscal year beginning July 1, 1988, and ending

25 June 30, 1989, to the department of human services for

26 the state mental health institutes, the following

27 amount, or so much thereof as is necessary, to be used

28 for salaries and support for not more than one

29 thousand one hundred ninety-one point sixteen full-

30 time equivalent positions, maintenance, and

31 miscellaneous purposes:

32 \$ 38,153,000
33 38,353,000

34 The state mental health institutes may exceed the

35 specified number of full-time equivalent positions if

36 the additional positions are specifically related to

37 licensing, certification, or accreditation standards,

38 or citations. The department shall notify the

39 legislative fiscal bureau if the specified number is

40 exceeded. The notification shall include an estimate

41 of the number of full-time equivalent positions added

42 and the fiscal effect of the addition.

43 Sec. ____ . 1988 Iowa Acts, chapter 1276, section

44 17, unnumbered paragraph 1, is amended to read as

45 follows:

46 There is appropriated from the general fund of the

47 state for the fiscal year beginning July 1, 1988, and

48 ending June 30, 1989, to the department of human

49 services the following amount, or so much thereof as
50 is necessary, to be used for supplemental payments of

Page 2

1 child care costs:

2 \$ 2,500,000
3 2,100,000

4 Sec. ____ . 1988 Iowa Acts, chapter 1276, section
5 21, unnumbered paragraph 1, is amended to read as
6 follows:

7 There is appropriated from the general fund of the
8 state for the fiscal year beginning July 1, 1988, and
9 ending June 30, 1989, to the department of human
10 services, the following amount, or so much thereof as
11 is necessary, to be used beginning on or before
12 October 1, 1988, for supplemental payments of the
13 child care costs of persons who qualify for
14 transitional child care assistance for a period of
15 twelve months due to a loss of eligibility for
16 assistance under chapter 239 because of an increase in
17 earned income:

18 \$ 2,100,000
19 500,000

20 Sec. ____ . There is appropriated from the general
21 fund of the state to the department of human services
22 for the fiscal year beginning July 1, 1988, and ending
23 June 30, 1989, the following amounts, or so much
24 thereof as is necessary, to be used for the purposes
25 designated:

26 For start-up costs associated with the development
27 of juvenile emergency shelters and group homes for the
28 placement of juveniles who have a high risk of the
29 commission of a crime or a delinquent act and who need
30 placement out-of-home and need specialized programs
31 such as substance abuse or education programs:

32 \$ 1,000,000"

33 7. Page 8, by inserting after line 18 the fol-
34 lowing:

35 "Sec. ____ . Notwithstanding 1988 Iowa Acts, chapter
36 1276, section 8, subsection 2, the Iowa juvenile home
37 is not required to establish a diagnostic program and
38 short-term high-impact program for adjudicated female
39 delinquents and adjudicated "child in need of
40 assistance" boys and girls residing at the state
41 juvenile home until the juvenile home is able to
42 reduce population to seventy-two, which will provide a
43 living unit for the evaluation program."

44 8. Page 9, line 10, by striking the word "April"
45 and inserting the following: "March".

46 9. Page 9, line 13, by striking the word "April"
 47 and inserting the following: "March".
 48 10. Page 10, line 12, by inserting after the word
 49 "rewiring" the following: "and connection to the city
 50 sewer system".

Page 3

1 11. Page 10, by inserting after line 30 the
 2 following:
 3 "Sec. ____ . There is appropriated from the general
 4 fund of the state to the department of corrections for
 5 the fiscal year beginning July 1, 1988, and ending
 6 June 30, 1989, the following amounts, or so much
 7 thereof as is necessary, to be used for the purposes
 8 designated:
 9 1. For salaries for correctional officers:
 10 \$ 82,086
 11 a. As a condition, limitation, qualification of
 12 the appropriation made in this subsection, \$7,711
 13 shall be used to employ two additional correctional
 14 officers at the Ft. Madison correctional facility,
 15 \$23,693 shall be used to employ five additional
 16 correctional officers and one additional correctional
 17 counselor at the Anamosa correctional facility, \$4,415
 18 shall be used to employ one additional correctional
 19 counselor at the Oakdale correctional facility, \$3,856
 20 shall be used to employ one additional correctional
 21 officer at the Newton correctional facility, \$7,711
 22 shall be used to employ an additional two correctional
 23 officers at the Mt. Pleasant correctional facility,
 24 \$7,711 shall be used to employ two additional
 25 correctional officers at the Clarinda correctional
 26 facility, \$19,278 shall be used to employ five
 27 additional correctional officers at the Mitchellville
 28 correctional facility, and \$7,711 shall be used to
 29 employ two additional correctional officers at the
 30 Rockwell City correctional facility.
 31 b. Notwithstanding section 8.39, funds
 32 appropriated in this subsection shall be used for the
 33 salaries of those correctional officers employed
 34 pursuant to paragraph "a" and the funds are not
 35 subject to transfer between correctional facilities.
 36 2. For support and miscellaneous purposes of the
 37 correctional facilities:
 38 \$ 710,310
 39 Sec. ____ . There is appropriated from the general
 40 fund of the state to the department of corrections for
 41 the fiscal year beginning July 1, 1988, and ending
 42 June 30, 1989, the following amounts, or so much

43 thereof as is necessary, to be allocated as follows:

44 1. For the second judicial district department of
45 correctional services, the following amount, or so
46 much thereof as is necessary, to be used for the OWI
47 program:

48 \$ 14,888

49 2. For the third judicial district department of
50 correctional services, the following amount, or so

Page 4

1 much thereof as is necessary, to be used for the OWI
2 program:

3 \$ 7,000

4 3. For the sixth judicial district department of
5 correctional services, the following amount, or so
6 much thereof as is necessary, to be used for the OWI
7 program:

8 \$ 15,280

9 Sec. ____ . There is appropriated from the general
10 fund of the state to the department of corrections for
11 the fiscal year beginning July 1, 1988, and ending
12 June 30, 1989, the following amounts, or so much
13 thereof as is necessary, to be used for the purposes
14 designated:

15 1. For an education pilot project to implement the
16 computer training system for community-based
17 correctional program clients in the first and fifth
18 judicial districts:

19 \$ 450,000

20 2. For job training grant programs to award grants
21 to community-based correctional program judicial
22 districts or through nonprofit agencies:

23 \$ 400,000

24 Job training grant programs must be designed and
25 administered so that the programs are not in direct
26 competition with other federal Job Training
27 Partnership Act programs in order to be eligible for
28 these grants.

29 3. For an offender reorientation project in the
30 fifth judicial district:

31 \$ 100,000

32 4. For an alternative sentencing pilot project in
33 judicial district 3B, to provide judges with
34 alternatives to returning parole or probation
35 violators to prison:

36 \$ 200,000

37 Violators who may be included in the project include
38 class "C" and class "D" felons. Alternatives under
39 the project could include, but are not limited to,

40 local jail or community service.

41 5. For costs associated with the design of prison
42 expansion:

43 \$ 250,000

44 6. To provide for financial arrangements to begin
45 construction of a \$12,000,000 expansion in prison
46 capacity in the manner provided in this subsection:

47 \$ 1,500,000

48 a. Establishment of a one hundred bed secure
49 facility at Newton for parole and probation violators
50 of which twenty-five beds are specifically used for

Page 5

1 substance abuse treatment programs for clients of the
2 state adult corrections system.

3 b. Construction of a two hundred bed medium
4 security dormitory style facility at the Oakdale
5 corrections campus along with the upgrading of the
6 kitchen, dining room space, and records management.

7 c. Addition of sixty-six low-risk medium security
8 beds at the Rockwell City campus plus six detention
9 cells along with the upgrading of the kitchen and
10 dining room space, a new visitors room, and program-
11 recreation space.

12 d. Addition of ten new community corrections
13 residential beds in the third judicial district.

14 e. Replacement of the existing thirty community
15 corrections residential bed facility with a new
16 seventy-five community corrections residential bed
17 facility at Cedar Rapids.

18 f. Renovation of sixty-five dormitory-style beds
19 at farm three at the Fort Madison correctional
20 facility.

21 Notwithstanding section 8.33, unencumbered or
22 unobligated funds remaining on June 30, 1989, from the
23 appropriations made in this section shall not revert
24 but shall be available for expenditure during the
25 fiscal year beginning July 1, 1989, for the same
26 purpose for which the funds were originally
27 appropriated."

28 12. Page 11, line 10, by inserting after the word
29 "in" the following: "subsection 3 of".

30 13. Page 11, line 15, by striking the word
31 "April" and inserting the following: "March".

32 14. Page 11, line 18, by striking the word
33 "April" and inserting the following: "March".

34 15. Page 11, by inserting after line 18 the
35 following:

36 "Sec. ____ . There is appropriated from the general

37 fund of the state to the judicial department for the
38 fiscal year beginning July 1, 1988, and ending June
39 30, 1989, the following amounts, or so much thereof as
40 is necessary for the purposes designated:

41 For the development of a computer system for the
42 state's judicial system:

43 \$ 3,400,000"

44 16. Page 11, by striking lines 31 and 32.

45 17. Page 12, line 18, by striking the word
46 "April" and inserting the following: "March".

47 18. Page 12, line 21, by striking the word
48 "April" and inserting the following: "March".

49 19. Page 13, by inserting after line 31 the
50 following:

Page 6

1 "Sec. ____ . There is appropriated from the general
2 fund of the state to the department of cultural
3 affairs for the fiscal year beginning July 1, 1988,
4 and ending June 30, 1989, the following amount, or so
5 much thereof as is necessary, to be used for the
6 purposes designated:

7 For the replacement of the old IPBN channel 12
8 transmitter:

9 \$ 500,000"

10 20. Page 14, line 10, by striking the word

11 "April" and inserting the following: "March".

12 21. Page 14, line 12, by striking the word
13 "April" and inserting the following: "March".

14 22. Page 16, by inserting after line 31 the
15 following:

16 "Sec. ____ . There is appropriated from the general
17 fund of the state to the Iowa resources enhancement
18 and protection fund for fiscal year beginning July 1,
19 1988, and ending June 30, 1989, the following amount
20 to be used for the purposes of the fund, if the fund
21 is created by enactment of the Seventy-third General
22 Assembly:

23 \$ 5,000,000"

24 23. Page 17, line 19, by striking the word
25 "April" and inserting the following: "March".

26 24. Page 17, line 22, by striking the word
27 "April" and inserting the following: "March".

28 25. Page 17, line 33, by striking the word
29 "Priority".

30 26. By striking page 17, line 34 through page 18,
31 line 7.

32 27. Page 18, by inserting after line 13, the
33 following:

34 "Notwithstanding section 8.33, unobligated and
35 unencumbered funds remaining on November 30, 1989,
36 from the funds appropriated in this section for the
37 fiscal year beginning July 1, 1988, shall revert to
38 the general fund of the state on November 30, 1989."

39 28. Page 18, line 20, by striking the words
40 "expanded capitol complex space for" and inserting the
41 following: "completion of architectural and
42 engineering design for the capitol expansion project
43 submitted by the capitol planning commission and
44 amended by substituting additional public meeting
45 rooms, conference rooms and related legislative
46 purposes for office space for legislators".

47 29. Page 18, by striking lines 21 and 22.

48 30. Page 18, line 23, by striking the words
49 "capitol expansion design".

50 31. Page 19, line 5, by inserting after the word

Page 7

1 "restoration." the following: "Of the amount of the
2 appropriation used for capitol restoration, the
3 department may use up to \$750,000 to replace
4 transformers in the capitol building."

5 32. Page 19, by inserting after line 14 the
6 following:

7 "Sec. ____ . There is appropriated from the general
8 fund of the state to the department of general
9 services for the fiscal year beginning July 1, 1988,
10 and ending June 30, 1989, the following amount, or so
11 much thereof as is necessary, to be used for the
12 purposes designated:

13 For utility and maintenance costs:

14 \$ 200,000

15 DEPARTMENT OF PERSONNEL

16 Sec. ____ . There is appropriated from the general
17 fund of the state to the department of personnel for
18 the fiscal year beginning July 1, 1988, and ending
19 June 30, 1989, the following amount, or so much
20 thereof as is necessary, to be used for the purposes
21 designated:

22 For site purchase, planning, design, and site
23 preparation to establish a child care center at the
24 capitol complex:

25 \$ 300,000

26 1. The department of personnel shall survey the
27 state employees located at the capitol complex to
28 determine interest in on-site child day care services.
29 The survey shall include but is not limited to an
30 assessment of all of the following items:

31 a. The number and ages of children of employees
 32 who express an intent to utilize a child care center
 33 established at the capitol complex.

34 b. The time of day during which child day care
 35 services are desired.

36 c. The work location of interested employees.

37 d. The potential impact of establishing child day
 38 care services at the capitol complex upon private
 39 child day care providers.

40 2. By October 1, 1989, the department shall report
 41 the results of the child day care survey to the state
 42 employees child care council which is created in the
 43 department of personnel. The council shall determine
 44 the level of need for a capitol complex child care
 45 center and shall monitor the planning to establish a
 46 child care center in the capitol complex. The
 47 membership of the council shall include
 48 representatives of each of the unions representing
 49 state employees and the directors of the following
 50 departments or the directors' designees: the

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1 department of general services, the department of
 2 personnel, the department of human services, the state
 3 department of transportation, and the Iowa department
 4 of public health. The council shall determine its own
 5 operating procedures.

6 3. If the survey of capitol complex employees
 7 identifies an intent for twenty or more children to
 8 utilize child day care services, the department of
 9 personnel shall commence efforts to establish a child
 10 care center at the capitol complex, including
 11 commencement of the transfer of moneys appropriated in
 12 this section to the department of general services in
 13 an amount sufficient to purchase and prepare a site,
 14 develop a design, and plan for the establishment of a
 15 child care center located within the capitol complex
 16 with sufficient capacity for the number of children to
 17 be provided day care services as determined by the
 18 state employees child care council.

19 4. Unencumbered or unobligated funds remaining
 20 from the appropriation made by this section on June
 21 30, 1990, shall revert to the general fund of the
 22 state on September 30, 1990.

23 DEPARTMENT OF HUMAN SERVICES

24 Sec. ____ . There is appropriated from the general
 25 fund of the state to the department of human services
 26 for the fiscal year beginning July 1, 1988, and ending
 27 June 30, 1989, the following amount, or so much

28 thereof as is necessary, to be used for the purposes
29 designated:

30 For outreach, recruitment, and training of new
31 child day care providers:

32 \$ 200,000

33 1. Of the funds appropriated in this section up to
34 \$25,000 may be used to develop and distribute start-up
35 kits for establishing child day care services. The
36 use of the remaining funds shall include the
37 recruitment of new child day care providers and the
38 training of family and group day care home providers
39 and of child care center administrators and other
40 staff.

41 2. Notwithstanding section 8.33, unencumbered or
42 unobligated funds remaining from the appropriation
43 made by this section shall not revert to the general
44 fund until September 30, 1990."

45 33. Page 19, by inserting after line 27 the
46 following:

47 "IOWA FINANCE AUTHORITY

48 Sec. ____ . 1. There is appropriated from the
49 general fund of the state to the housing trust fund
50 created pursuant to section 220.100, subsection 1, for

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1 the fiscal year beginning July 1, 1988, and ending
2 June 30, 1989, the following amount, or so much
3 thereof as is necessary, to be used for the purposes
4 designated:

5 For the programs established in section 220.100,
6 subsection 2:

7 \$ 3,000,000

8 2. As nearly as practicable, of the moneys appro-
9 priated in subsection 1, the Iowa finance authority
10 should allocate ten percent for the homeless grant
11 program under section 220.100, subsection 2, paragraph
12 "a"; twenty percent for the home maintenance and
13 repair program under section 220.100, subsection 2,
14 paragraph "b"; thirty-five percent for the rental
15 rehabilitation program under section 220.100,
16 subsection 2, paragraph "c"; and thirty-five percent
17 for the home ownership incentive program under section
18 220.100, subsection 2, paragraph "d". After February
19 1, 1990, moneys allocated to a program under section
20 220.100, subsection 2, may be reallocated by the
21 authority to another program under that subsection if
22 the other program has more need. In providing funds
23 under the home maintenance and repair program and the
24 home ownership incentive program, the authority shall,

25 to the extent feasible, make funds available under the
26 programs for purposes of pilot projects for sweat-
27 equity housing cooperatives.

28 3. Of the moneys appropriated in subsection 1 that
29 are allocated to the homeless grant program, up to
30 thirty percent may be used for grants for operating
31 costs of homeless shelters.

32 4. As nearly as practicable, of the moneys
33 appropriated in subsection 1 that are allocated to the
34 home maintenance and repair program, the rental
35 rehabilitation program, and the home ownership
36 incentive program, twenty-five percent from each
37 program should be used to assist very low-income
38 families and seventy-five percent from each program
39 should be used to assist lower income families.

40 5. The assistance provided by the authority under
41 the home ownership incentive program shall include,
42 but not be limited to, the following kinds:

43 a. Closing costs assistance.

44 b. Down payment assistance.

45 c. Home maintenance and repair assistance.

46 d. Loan processing assistance through a loan

47 endorser review contractor who would act on behalf of
48 the authority in assisting lenders in processing loans
49 that will qualify for government insurance or
50 guarantee or for financing under the authority's

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1 mortgage revenue bond program.

2 e. Mortgage insurance program.

3 Not more than fifty percent of the assistance

4 provided by the authority under the home ownership

5 incentive program shall be provided under paragraphs

6 "d" and "e".

7 6. Assistance provided under the home ownership

8 incentive program shall be limited to mortgages under

9 thirty-five thousand dollars, except in those areas of

10 the state where the median price of homes exceeds the

11 state average. In providing the assistance under the

12 home ownership incentive program, the authority shall

13 require substantial seller participation of not less

14 than two percent of the mortgage amount, which

15 participation includes, but is not limited to, home

16 ownership maintenance funding, down payment

17 assistance, payment of closing costs, or

18 rehabilitation costs.

19 7. The authority, in conjunction with the

20 department of economic development, shall work with

21 the private sector to set up workshops to educate

22 housing sponsors on the housing programs available and
23 to assist housing sponsors in the application
24 process.

25 Notwithstanding section 8.33, unencumbered or
26 unobligated funds remaining in the housing trust fund
27 on June 30, 1989, shall not revert to the general fund
28 of the state but shall remain in the housing trust
29 fund and be used for the programs as provided in this
30 section.

31 Sec. ____ . There is appropriated from the general
32 fund of the state to the revolving fund created
33 pursuant to section 15.287, for the fiscal year
34 beginning July 1, 1988, and ending June 30, 1989, the
35 following amount, or so much thereof as is necessary,
36 to be used for the purposes for which moneys in the
37 fund may be used:

38 \$ 5,000,000

39 The moneys appropriated in this section to the
40 revolving fund, which are allocated under the program
41 to the traditional and new infrastructure categories,
42 shall be used exclusively for assistance to
43 communities to meet the water needs of those
44 communities that have suffered as a result of the
45 drought conditions that have existed during the past
46 two years. A community may apply for assistance under
47 the program on behalf of a benefited water district
48 formed under chapter 357 or on behalf of a rural water
49 district incorporated and organized under chapter
50 357A. Assistance shall only be available to those

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1 communities which demonstrate a substantial local
2 effort to assist in community development as defined
3 by rules of the department of economic development.
4 Awards of these funds shall be made only to those
5 applicants who include a plan to educate the users on
6 methods to reduce per capita consumption of water by
7 ten percent."

8 34. Title page, line 9, by inserting after the
9 word "transportation," the following: "department of
10 personnel, Iowa finance authority,".

11 35. By renumbering, relettering, or redesignating
12 and correcting internal references as necessary.

S-3855

1 Amend the House amendment, S-3661, to Senate File
2 223, as amended, passed, and reprinted by the Senate,

3 as follows:

4 1. Page 4, by striking lines 35 through 40.

MAGGIE TINSMAN

S-3856

1 Amend the House amendment, S-3791, to Senate File
2 157, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking lines 7 and 8 and

5 inserting the following:

6 "____. Page 1, line 24, by striking the figure
7 "11:30" and inserting the following: "11:00"."

8 2. Page 1, by striking lines 13 through 24.

DON E. GETTINGS
JOHN KIBBIE
RICHARD VANDE HOEF
WILMER RENSINK

S-3857

1 Amend the amendment, S-3745, to House File 579 as
2 passed by the House as follows:

3 1. Page 1, by striking lines 3 through 22 and

4 inserting the following:

5 "____. Page 2, by inserting after line 21 the
6 following:

7 "Sec. ____ . Section 229.23, subsection 1, Code
8 1989, is amended to read as follows:

9 1. Prompt evaluation, emergency necessary
10 psychiatric services, and additional care and
11 treatment as indicated by sound medical practice the
12 patient's condition. A comprehensive, individualized
13 treatment plan shall be timely developed following
14 issuance of the court order requiring involuntary
15 hospitalization. The plan shall be consistent with
16 current standards appropriate to the facility to which
17 the person has been committed and with currently
18 accepted standards for psychiatric treatment of the
19 patient's condition, including pharmacotherapy,
20 psychotherapy, counseling and other modalities as may
21 be appropriate."

CALVIN O. HULTMAN

S-3858

1 Amend amendment, S-3745, to House File 579, as
2 passed by the House, as follows:
3 1. Page 1, line 15, by striking the word
4 "program" and inserting the following: "plan".
5 2. Page 1, line 17, by striking the word
6 "program" and inserting the following: "plan".
7 3. Page 1, lines 18 and 19, by striking the words
8 "for hospitals for psychiatric treatment planning" and
9 inserting the following: "appropriate to the facility
10 to which the person has been committed".

AL STURGEON

S-3859

1 Amend the amendment, S-3648, to House File 686, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 3, by inserting before line 26 the
5 following:
6 "____. Page 9, by inserting before line 29 the
7 following:
8 "Sec. ____ . Section 567.3, subsection 3, paragraph
9 d, Code 1989, is amended by striking the paragraph and
10 inserting in lieu thereof the following:
11 d. Agricultural land acquired for research or
12 experimental purposes. Agricultural land is used for
13 research or experimental purposes if any of the
14 following apply:
15 (1) Research and experimental activities are
16 undertaken on the agricultural land and no commercial
17 sales are made of products produced from farming the
18 agricultural land.
19 (2) Research and experimental activities are
20 undertaken on the agricultural land and the commercial
21 sales of products produced from farming the
22 agricultural land are incidental to the research or
23 experimental purposes of the corporation. Commercial
24 sales are incidental to the research or experimental
25 purposes of the corporation when such sales are less
26 than twenty-five percent of the gross sales of the
27 primary product of the research.
28 (3) The agricultural land is used for the primary
29 purpose of testing, developing, or producing seeds,
30 animals, or plants for sale or resale to farmers as
31 seed stock or breeding stock.""

- 32 2. Page 3, by striking lines 27 and 28, and
 33 inserting the following: "word "Act" the following:
 34 "relating to scientific research, by authorizing the
 35 issuance of bonds, restricting certain research on
 36 agricultural land,""
 37 3. By renumbering as necessary.

BERL E. PRIEBE

S-3860

- 1 Amend Senate File 527 as follows:
 2 1. Page 4, by inserting after line 3 the follow-
 3 ing:
 4 "Sec. ____ . This Act, being deemed of immediate im-
 5 portance, is effective upon enactment."
 6 2. Title page, line 3, by inserting after the
 7 word "levy" the following: "and providing an
 8 effective date."

BERL E. PRIEBE

S-3861

- 1 Amend the amendment, S-3832, to House File 690, as
 2 amended, passed and reprinted by the House as follows:
 3 1. Page 1, lines 11 and 12, by striking the words
 4 "it is shown by a preponderance of evidence".
 5 2. Page 1, line 22, by striking the word
 6 "origin".

JULIA GENTLEMAN

S-3862

- 1 Amend House File 448, as passed by the House, as
 2 follows:
 3 1. Page 1, by inserting after line 18, the
 4 following:
 5 "Sec. ____ . Section 258A.2, Code 1989, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 4. A person licensed to sell real
 8 estate in this state shall be deemed to have complied
 9 with the continuing education requirements of this
 10 state during periods that the person serves honorably
 11 on active duty in the military services, or for
 12 periods that the person is a resident of another state

13 or district having a continuing education requirement
14 for the occupation or profession and meets all
15 requirements of that state or district for practice
16 therein, if the state or district accords the same
17 privilege to Iowa residents, or for periods that the
18 person is a government employee working in the
19 person's licensed specialty and assigned to duty
20 outside of the United States, or for other periods of
21 active practice and absence from the state approved by
22 the appropriate board of examiners.”
23 2. Title page, line 2, by inserting after the
24 word “law” the following: “and to reciprocity in
25 continuing education requirements for persons licensed
26 to sell real estate in this state”.
27 3. By renumbering as necessary.

CALVIN O. HULTMAN

S-3863

1 Amend House File 585, 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. ____ . NEW SECTION. 135.39A STATE EMERGENCY
6 MEDICAL BOARD.
7 A state emergency medical board is established to
8 formulate policy and guidelines for the operations of
9 local emergency medical boards, and to act if a local
10 board does not exist.
11 The state board is comprised of medical
12 professionals and lay persons appointed by the
13 director and the council on human services according
14 to rules adopted by the department. The state board
15 and its members are not liable, jointly or severally,
16 for actions or omissions taken or made in the official
17 discharge of their duties, except those acts or
18 omissions constituting willful or wanton misconduct.”
19 2. By striking page 1, line 9, through page 2,
20 line 8.
21 3. Page 2, by striking lines 9 through 20.
22 4. Page 3, by inserting after line 29, the
23 following:
24 Sec. ____ . NEW SECTION. 249D.60 REPRESENTATIVE
25 PAYEE PROJECT.
26 1. The department of elder affairs shall provide
27 appropriate public and private organizations with
28 written notice of the department's intent to serve as
29 sponsor of the representative payee project in Iowa.

30 The director shall designate a departmental staff
31 person to serve as the project staff coordinator.

32 2. The department shall provide logistical support
33 for the project including office space, telephone
34 communications, office supplies, and postage.

35 3. The department shall provide for the training
36 of representative payees.

37 4. The department shall establish and maintain an
38 advisory council for the project which shall hold
39 meetings quarterly. The department shall determine
40 the council's membership by rule.

41 5. The department shall assist representative
42 payees, and shall negotiate banking services for the
43 project.

44 6. The department shall designate a volunteer, who
45 may be a representative payee, as the public liaison
46 to inform interested agencies and persons about the
47 project, and to undertake to increase public awareness
48 and referral of potential clients.

49 7. A person acting as a representative payee shall
50 be considered acting in a fiduciary capacity, and

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1 shall be liable for acts or omissions of the
2 representative payee constituting a breach of the
3 fiduciary duty imposed by chapter 633.

4 8. For purposes of this section, "representative
5 payee" means a person appointed by the social security
6 administration to provide financial management
7 services, without compensation, to individuals
8 receiving social security administration or other
9 government benefits, who are medically incapable of
10 making responsible financial decisions."

11 5. Page 3, by inserting after line 34, the
12 following:

13 "Sec. ____ . **NEW SECTION. 633.27A DOCKETING**
14 **GUARDIANSHIP AND CONSERVATORSHIP PROCEEDINGS.**

15 When a petition is filed for a conservatorship or
16 guardianship, or a combined petition as provided in
17 section 633.627, the administration thereof shall be
18 treated as a separate proceeding, with a separate
19 docket number, from the date of the filing of the
20 petition. The clerk shall clearly indicate on the
21 docket whether the proceedings are voluntary or
22 involuntary and whether a guardianship, a
23 conservatorship, or combined."

24 6. Page 4, by inserting after line 11, the
25 following:

26 "Sec. ____ . Section 633.557, Code 1989, is amended

27 to read as follows:

28 633.557 APPOINTMENT OF GUARDIAN ON VOLUNTARY
29 PETITION.

30 A guardian may also be appointed by the court upon
31 the verified petition of the proposed ward, without
32 further notice, if the proposed ward is other than a
33 minor under the age of fourteen years, provided the
34 court determines that such an appointment will inure
35 to the best interest of the applicant. However, if an
36 involuntary petition is pending, the court shall be
37 governed by section 633.634. The petition shall
38 provide the proposed ward notice of a guardian's
39 powers as provided in section 633.562."

40 7. Page 5, by striking lines 5 through 7, and
41 inserting the following: "section 633.554."

42 8. Page 5, by inserting before line 8, the
43 following:

44 "Sec. ____ . Section 633.572, Code 1989, is amended
45 to read as follows:

46 633.572 APPOINTMENT OF CONSERVATOR ON VOLUNTARY
47 PETITION.

48 A conservator may also be appointed by the court
49 upon the verified petition of the proposed ward,
50 without further notice, if the proposed ward is other

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1 than a minor under the age of fourteen years, provided
2 the court determines that such an appointment will
3 inure to the best interest of the applicant. However,
4 if an involuntary petition is pending, the court shall
5 be governed by section 633.634. The petition shall
6 provide the proposed ward notice of a conservator's
7 powers as provided in section 633.576."

8 9. Page 6, by striking lines 1 through 15, and
9 inserting the following: "petition as provided in
10 section 633.568."

11 10. Page 6, by inserting before line 16 the
12 following:

13 "Sec. ____ . Section 633.591, Code 1989, is amended
14 to read as follows:

15 633.591 VOLUNTARY PETITION FOR APPOINTMENT OF
16 CONSERVATOR -- STANDBY BASIS.

17 Any person of full age and sound mind may execute a
18 verified petition for the voluntary appointment of a
19 conservator of the person's property upon the express
20 condition that such petition shall be acted upon by
21 the court only upon the occurrence of an event
22 specified or the existence of a described condition of
23 the mental or physical health of the petitioner, the

24 occurrence of which event, or the existence of which
 25 condition, shall be established in the manner directed
 26 in said petition. The petition shall advise the
 27 proposed ward of a conservator's powers as provided in
 28 section 633.576."

29 11. Page 7, by inserting after line 14, the
 30 following:

31 "Sec. ____ . Section 633.679, Code 1989, is amended
 32 to read as follows:

33 633.679 PETITION TO TERMINATE.

34 At any time, ~~not less than six months~~ after the
 35 appointment of a guardian or conservator, the person
 36 under guardianship or conservatorship may apply to the
 37 court by petition, alleging that the person is no
 38 longer a proper subject thereof, and asking that the
 39 guardianship or conservatorship be terminated."

40 12. By renumbering as necessary.

RICHARD VARN

S-3864

1 Amend the amendment, S-3745, to House File 579 as
 2 passed by the House as follows:

3 1. Page 1, by striking lines 8 through 22 and
 4 inserting the following:

5 "____ . Page 2, by inserting after line 21 the
 6 following:

7 "Sec. ____ . Section 229.23, subsection 1, Code
 8 1989, is amended to read as follows:

9 1. Prompt evaluation, emergency necessary
 10 psychiatric services, and additional care and
 11 treatment as indicated by sound medical practice the
 12 patient's condition. A comprehensive, individualized
 13 treatment plan shall be timely developed following
 14 issuance of the court order requiring involuntary
 15 hospitalization. The plan shall be consistent with
 16 current standards appropriate to the facility to which
 17 the person has been committed and with currently
 18 accepted standards for psychiatric treatment of the
 19 patient's condition, including pharmacotherapy,
 20 psychotherapy, counseling and other modalities as may
 21 be appropriate."

CALVIN O. HULTMAN

S-3865

1 Amend House File 459, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 1, by inserting after line 11, the
4 following:

5 "Section 1. Section 321.85, Code 1989, is amended
6 to read as follows:

7 321.85 STOLEN VEHICLES OR COMPONENT PARTS.

8 1. When a vehicle or component part is seized
9 under section 321.84 or is stolen or embezzled, and is
10 not claimed by the owner before the date on which the
11 person charged with its stealing or embezzling is
12 convicted, the officer having the vehicle or component
13 part in the officer's custody shall, on that date by
14 certified regular mail, notify the department that the
15 officer has the vehicle or component part in the
16 officer's possession, giving a full and complete
17 description of it, including all vehicle
18 identification numbers and component part numbers. If
19 there is a dispute regarding a claim for the vehicle
20 or component part, the agency holding the vehicle or
21 component part shall conduct an evidentiary hearing to
22 adjudicate the claim.

23 2. If a person claims to be the owner, and there
24 is a dispute as to the claim, the department shall
25 hold an evidentiary hearing within thirty days of re-
26 ceiving the claim. If it is shown that the vehicle or
27 component part is needed as evidence in a criminal
28 prosecution or that further investigation is needed to
29 identify the vehicle or part or its owner, the hearing
30 shall be continued a reasonable amount of time for the
31 completion of the prosecution or investigation. If
32 the claimant establishes ownership of a vehicle or
33 part, the vehicle or part shall be returned to the
34 claimant without imposition of towing or storage fees.

35 3. A claimant may establish ownership of a motor
36 vehicle by demonstrating any of the following:

37 a. That the claimant is the holder of a valid
38 certificate of title, including rebuilt vehicle title,
39 or junking certificate which in fact corresponds to
40 all component parts of the vehicle, or by other
41 competent evidence. Ownership shall not be denied if
42 the only parts bearing numbers not corresponding to
43 the title are those found on the engine, door, or
44 fender of the vehicle unless the numbers are the
45 public vehicle identification number. Numbers on
46 motorcycle engine cases are not engine numbers for
47 purposes of this paragraph.

- 48 b. That the claimant is the owner of all component
49 parts of the vehicle as set forth in subsection 4.
50 c. That the claimant is the legal owner of the

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1 vehicle under the laws of another state if the vehicle
2 is registered or titled in that other state.
3 4. A claimant may establish ownership of a com-
4 ponent part by demonstrating that the claimant holds a
5 valid certificate of title or junking certificate for
6 the vehicle on which the part was initially installed
7 by the manufacturer, or was placed in accordance with
8 a valid rebuilt vehicle title, or by evidence of a
9 legitimate unbroken chain of ownership of the part
10 back to the holder of such title or certificate, or by
11 other competent evidence. Ownership of component
12 parts on which the numbers have been altered, defaced,
13 switched, removed, or otherwise disguised shall not be
14 established unless there is sufficient competent or
15 physical evidence identifying it as part of a vehicle
16 owned by the claimant.

17 5. If a claimant establishes ownership of a
18 vehicle, the entire vehicle shall be awarded to the
19 claimant, unless ownership of a door or fender or of
20 the engine is established in another person, in which
21 case that part shall be awarded to that person. If
22 ownership of a vehicle is not established, the
23 component parts shall be awarded to the claimants
24 establishing title to the parts.

25 6. The final decision shall be served by certified
26 mail upon the persons found to be owners of vehicles
27 or parts, and shall notify such persons that the
28 vehicle or part is no longer needed for prosecution or
29 investigation and that they have forty-five days to
30 retrieve the vehicle or part from the agency having it
31 in custody. Failure to do so shall result in the
32 vehicle or part being deemed abandoned for purposes of
33 section 321.89.

34 7. If the ownership of a vehicle or part cannot be
35 established, the agency with custody of it shall
36 proceed as directed in sections 321.86 through 321.89.

37 Sec. ____ . Section 321.88, Code 1989, is amended to
38 read as follows:

39 321.88 FAILURE OF OWNER TO CLAIM.

40 If the owner does not appear within ~~forty~~ forty-
41 five days, the motor vehicle or component part shall
42 be deemed abandoned and the officer having possession
43 of the motor vehicle or component part shall proceed

44 as provided in section 321.89, subsections 3 and 4.
45 Sec. ____ . Section 321.89, Code 1989, is amended by
46 adding the following new subsection:
47 **NEW SUBSECTION.** 5. Component parts not claimed by
48 an owner as provided in section 321.88 shall be
49 disposed of as provided in subsections 3 and 4.”
50 2. Page 1, by striking lines 29 through 34 and

Page 3

1 inserting the following:
2 “a. Property ~~which is~~ relevant and material as
3 evidence in a criminal prosecution or investigation.
4 b. Property defined by law to be class I or class
5 II forfeitable property.
6 c. Property which if not seized by the state poses
7 an imminent danger to a person’s health, safety, or
8 welfare.
9 d. Property which is seizable under section
10 321.84.”
11 3. Page 2, line 21, by striking the word
12 “written”.
13 4. Page 2, by striking lines 25 and 26 and
14 inserting the following: “the property shall then be
15 returned or the property shall be deemed seized
16 property as of the time of the demand and refusal.”
17 5. Page 3, line 2, by inserting after the word
18 “offense.” the following: “However, “class II
19 forfeitable property” does not include property which
20 had, or which was intended to have had, a substantial
21 role in the commission of a criminal offense defined
22 as a simple or serious misdemeanor.”
23 6. Page 3, by striking lines 5 through 12.
24 7. Page 4, line 28, by inserting after the figure
25 “1.” the following: “Seized property which was
26 seizable property, as defined in section 809.1,
27 subsection 1, paragraph “c”, at the time of seizure,
28 is not subject to forfeiture and shall be returned
29 without hearing when the property no longer poses an
30 imminent danger to a person’s health, safety, or
31 welfare.”
32 8. Page 5, by inserting before line 26, the
33 following:
34 “Sec. ____ . Section 809.5, subsection 2, Code 1989,
35 is amended by adding the following new paragraph:
36 **NEW PARAGRAPH.** d. The property was seized under
37 section 321.84 and there is probable cause to believe
38 that the property should be disposed of under section
39 321.85.”
40 9. Page 5, by striking lines 30 and 31, and

41 inserting the following: "II forfeitable property
 42 vests in the state at the time of seizure when the
 43 property comes into the physical possession of the
 44 state. Once forfeitable property is seized, no right
 45 to the".

46 10. Page 7, line 28, by inserting after the word
 47 "forfeiture." the following: "The forfeitable
 48 property shall not be disposed of until the expiration
 49 of a period of thirty days following the person's
 50 conviction. If rehearing is requested, the

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1 forfeitable property shall not be disposed of until
 2 the rehearing is concluded."

3 11. Page 7, line 31, by inserting after the word
 4 "ownership" the following: "interest exceeding a
 5 value of five hundred dollars".

6 12. Page 8, line 19, by inserting after the word
 7 "forfeiture." the following: "Attorney fees awarded
 8 under this subsection shall be paid from the general
 9 fund of the state."

10 13. Page 8, line 29 by inserting after the words
 11 "to the attorney general" the following: "for
 12 disposition and use".

13 14. Page 9, by striking lines 32 through 34, and
 14 inserting the following:

15 "Sec. ____ . This Act applies to all seizure and
 16 forfeiture proceedings commenced on or after the
 17 effective date of this Act, except seizure and
 18 forfeiture proceedings involving homestead property,
 19 in which case this Act applies retroactively to such
 20 seizures occurring on or after July 1, 1986."

21 15. By renumbering as necessary.

TOM MANN, Jr.
 RICHARD DRAKE
 RICHARD VARN
 DONALD DOYLE
 BOB CARR
 JOE WELSH

S-3866

1 Amend the amendment, S-3865, to House File 459 as
 2 amended, passed and reprinted by the House as follows:
 3 1. Page 3, line 43, by inserting after the word
 4 "possession" the following: "or control".

TOM MANN, Jr.

S-3867

- 1 Amend the House amendment, S-3849, to Senate File
- 2 369, as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, by striking lines 19 through 43.

JOE WELSH

S-3868

- 1 Amend House File 690, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 7, line 8, by striking the word "to".
- 4 2. Page 7, by striking lines 9 through 15 and
- 5 inserting in lieu thereof the following: " , as
- 6 defined in section 235A.13, subsection 9. Upon
- 7 the department's request, a multidisciplinary
- 8 team shall assist the department in the assessment,
- 9 diagnosis, and disposition of a child abuse report."

CHARLES BRUNER

S-3869

- 1 Amend House File 459, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, by striking line 2 and inserting the
- 4 following: "apprehension for such an offense.
- 5 However, "class II forfeitable property" does not
- 6 include property which had, or was intended to have
- 7 had, a substantial role in the commission of a
- 8 violation of chapter 321 or chapter 321J."
- 9 2. Page 3, by inserting after line 12 the
- 10 following:
- 11 "Sec. ____ . Section 809.1, subsection 4, Code 1989,
- 12 is amended by striking the subsection."
- 13 3. By renumbering as necessary.

TOM MANN, Jr.

S-3870

- 1 Amend House File 178, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 1, by inserting after line 7 the fol-
- 4 lowing:

5 "Sec. ____ . Section 88.8, subsection 3, Code 1989,
6 is amended by adding the following new unnumbered
7 paragraph:

8 NEW UNNUMBERED PARAGRAPH. The commissioner has un-
9 reviewable discretion to withdraw a citation charging
10 an employer with violating this chapter. If the
11 parties enter into a settlement prior to a hearing,
12 the appeal board shall enter an order affirming the
13 settlement agreement."

14 2. Page 6, by inserting after line 26 the
15 following:

16 "Sec. ____ . Section 135C.2, subsection 3, Code
17 1989, is amended to read as follows:

18 3. The Iowa department of public health shall
19 establish by administrative rule, within the
20 intermediate care facility category, a special
21 classification for facilities intended to serve
22 mentally retarded individuals, and within the
23 residential care facility category, a special
24 classification for residential facilities intended to
25 serve mentally ill individuals. The Iowa department
26 of public health may also establish by administrative
27 rule other classifications within that category, or
28 special classifications within the residential care
29 facility or skilled nursing facility categories, for
30 facilities intended to serve individuals who have
31 special health care problems or conditions in common.
32 Rules establishing a special classification shall
33 define the problem or condition to which the
34 classification is relevant and establish requirements
35 for an approved program of care commensurate with the
36 problem or condition, and may grant special variances
37 or considerations to facilities licensed within the
38 classification so established.

39 Sec. ____ . Section 135C.6, subsection 3, Code 1989,
40 is amended to read as follows:

41 3. No change in a health care facility, its
42 operation, program, or services, of a degree or
43 character affecting continuing licensability shall be
44 made without prior approval thereof by the department
45 of inspections and appeals. The Iowa department of
46 public health may by rule specify the types of changes
47 which shall not be made without ~~its~~ prior approval.

48 Sec. ____ . Section 135C.9, subsection 1, paragraph
49 b, Code 1989, is amended to read as follows:

50 b. The facility has been inspected by the state

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1 fire marshal or a deputy appointed by the fire marshal
2 for that purpose, who may be a member of a municipal
3 fire department, and the department has received
4 either a certificate of compliance or a provisional
5 certificate of compliance by the facility with the
6 fire-hazard and fire-safety rules and standards of the
7 department as ~~promulgated~~ adopted by the fire marshal
8 and, where applicable, the fire-safety standards
9 required for participation in programs authorized by
10 either Title XVIII or Title XIX of the United States
11 Social Security Act (Title XLII, United States Code,
12 sections 1395 to 1395 ll and 1396 to 1396" g"). The
13 certificate or provisional certificate shall be signed
14 by the fire marshal or the fire marshal's deputy who
15 made the inspection."

16 3. Page 6, by inserting after line 34 the
17 following:

18 "Sec. ____ . Section 135C.14, unnumbered paragraph
19 1, Code 1989, is amended to read as follows:
20 The Iowa department ~~shall~~ of public health, in
21 accordance with chapter 17A and with the approval of
22 the state board of health, shall adopt and enforce
23 rules setting minimum standards for health care
24 facilities. In so doing, the Iowa department of
25 public health, with the approval of the state board of
26 health, may adopt by reference, with or without
27 amendment, nationally recognized standards and rules,
28 which shall be specified by title and edition, date of
29 publication, or similar information. The department
30 of inspections and appeals shall enforce the rules and
31 standards adopted by the Iowa department of public
32 health, and may adopt procedural rules to implement
33 the enforcement. The rules and standards required by
34 this section shall be formulated in consultation with
35 the director of human services or the director's
36 designee and with affected industry, professional, and
37 consumer groups ~~affected thereby~~, and shall be
38 designed to further the accomplishment of the purposes
39 of this chapter, and shall relate to:

40 Sec. ____ . Section 135C.14, subsection 1, Code
41 1989, is amended to read as follows:

42 1. Location and construction of the facility,
43 including plumbing, heating, lighting, ventilation,
44 and other housing conditions, which shall ensure the
45 health, safety and comfort of residents and protection
46 from fire hazards. The rules of the Iowa department
47 of public health relating to protection from fire
48 hazards and fire safety shall be ~~promulgated~~ adopted

49 by the state fire marshal, and shall be in keeping
50 with the latest generally recognized safety criteria

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1 for the facilities covered of which the applicable
2 criteria recommended and published from time to time
3 by the national fire protection association are prima-
4 facie evidence.
5 Sec. ____ . Section 135C.14, subsection 8,
6 unnumbered paragraph 1, Code 1989, is amended to read
7 as follows:
8 Facility policies and procedures regarding the
9 treatment, care, and rights of residents. The rules
10 shall apply the federal resident's bill of rights
11 contained in 42 C.F.R. 442.311, as amended to January
12 1, 1981, to all health care facilities as defined in
13 this chapter and shall include procedures for
14 implementing and enforcing the federal rules. The
15 Iowa department of public health, with the approval of
16 the state board of health, shall also adopt rules
17 relating to the following:"

18 4. Page 7, by inserting after line 17, the
19 following:

20 "Sec. ____ . Section 135C.16, subsection 2,
21 unnumbered paragraph 1, Code 1989, is amended to read
22 as follows:

23 The Iowa department of public health shall
24 prescribe by rule that any licensee or applicant for
25 license desiring to make specific types of physical or
26 functional alterations or additions to its facility or
27 to construct new facilities shall, before commencing
28 the alteration or additions or new construction,
29 submit plans and specifications to the department of
30 inspections and appeals for preliminary inspection and
31 approval or recommendations with respect to compliance
32 with the department's applicable rules and standards.
33 When the plans and specifications have been properly
34 approved by the department of inspections and appeals
35 or other appropriate state agency, the facility or the
36 portion of the facility constructed or altered in
37 accord with the plans and specifications shall not for
38 a period of at least five years from completion of the
39 construction or alteration be considered deficient or
40 ineligible for licensing by reason of failure to meet
41 any rule or standard established subsequent to
42 approval of the plans and specifications. When
43 construction or alteration of a facility or portion of
44 a facility has been completed in accord with plans and
45 specifications submitted as required by this

46 subsection and properly approved by the department or
47 other appropriate state agency, and it is discovered
48 that the facility or portion of a facility is not in
49 compliance with a requirement of this chapter or of
50 the rules or standards adopted pursuant to it and in

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1 effect at the time the plans and specifications were
2 submitted, and the deficiency was apparent from the
3 plans and specifications submitted but was not noted
4 or objected to by the department or other appropriate
5 state agency, the department or agency responsible for
6 the oversight shall either waive the requirement or
7 reimburse the licensee or applicant for any costs
8 which are necessary to bring the new or reconstructed
9 facility or portion of a facility into compliance with
10 the requirement and which the licensee or applicant
11 would not have incurred if the facility or portion of
12 the facility had been constructed in compliance with
13 the requirements of this chapter or of the rules or
14 standards adopted pursuant to it and in effect at the
15 time the plans and specifications were submitted. If
16 within two years from the completion of the
17 construction or alteration of the facility or portion
18 thereof, a department or agency of the state orders
19 that the new or reconstructed facility or portion
20 thereof be brought into compliance with the
21 requirements of this chapter or the rules or standards
22 adopted pursuant to it and in effect at the time the
23 plans and specifications were submitted, the state
24 shall have a claim for damages to the extent of any
25 reimbursement paid to the licensee or applicant
26 against any person who designed the facility or
27 portion thereof for negligence in the preparation of
28 the plans and specifications therefor, subject to all
29 defenses based upon the negligence of the state in
30 reviewing and approving those plans and
31 specifications, but not thereafter.”

32 5. Page 8, by inserting after line 5, the
33 following:

34 “Sec. ____ . Section 135C.20, Code 1989, is amended
35 to read as follows:

36 135C.20 INFORMATION DISTRIBUTED.

37 The Iowa department of public health, in
38 cooperation with the department of inspections and
39 appeals, shall prepare, publish and send to licensed
40 health care facilities an annual report of its
41 activities and operations under this chapter and such
42 other bulletins containing fundamental health

43 principles and data as may be deemed essential to
44 assure proper operation of health care facilities, and
45 publish for public distribution copies of the laws,
46 standards and rules pertaining to their operation.
47 Sec. ____ . Section 135C.23, subsection 2,
48 unnumbered paragraph 2, Code 1989, is amended to read
49 as follows:
50 This section does not prohibit the admission of a

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1 patient with a history of dangerous or disturbing
2 behavior to an intermediate care facility, skilled
3 nursing facility, or county care facility when the
4 intermediate care facility, skilled nursing facility,
5 or county care facility has a program which has
6 received prior approval from the department to
7 properly care for and manage the patient. An
8 intermediate care facility, skilled nursing facility,
9 or county care facility is required to transfer or
10 discharge a resident with dangerous or disturbing
11 behavior when the intermediate care facility, skilled
12 nursing facility, or county care facility cannot
13 control the resident's dangerous or disturbing
14 behavior. The Iowa department of public health, in
15 coordination with the state mental health and mental
16 retardation commission, shall adopt rules pursuant to
17 chapter 17A for programs to be required in
18 intermediate care facilities, skilled nursing
19 facilities, and county care facilities that admit
20 patients or have residents with histories of dangerous
21 or disturbing behavior.

22 Sec. ____ . Section 135C.36, unnumbered paragraph 1,
23 Code 1989, is amended to read as follows:

24 Every violation by a health care facility of any
25 provision of this chapter or of the rules adopted
26 pursuant to it shall be classified by the Iowa
27 department of public health in accordance with this
28 section. The Iowa department of public health shall
29 adopt and may from time to time modify, in accordance
30 with chapter 17A rules setting forth so far as
31 feasible the specific violations included in each
32 classification and stating criteria for the
33 classification of any violation not so listed.

34 Sec. ____ . Section 135C.36, subsections 2 and 3,
35 Code 1989, are amended to read as follows:

36 2. A Class II violation is one which has a direct
37 or immediate relationship to the health, safety or
38 security of residents of a health care facility, but
39 which presents no imminent danger nor substantial

40 probability of death or physical harm to them. A
41 physical condition or one or more practices within a
42 facility, including either physical abuse of any
43 resident or failure to treat any resident with
44 consideration, respect and full recognition of the
45 resident's dignity and individuality, in violation of
46 a specific rule adopted by the Iowa department of
47 public health, may constitute a Class II violation. A
48 violation of section 135C.14, subsection 8, or section
49 135C.31 and rules adopted under those sections shall
50 be at least a Class II violation and may be a Class I

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1 violation. A Class II violation shall be corrected
2 within a stated period of time determined by the
3 department of inspections and appeals and specified in
4 the citation issued under section 135C.40. The stated
5 period of time specified in the citation may
6 subsequently be modified by the department for good
7 cause shown. A licensee is subject to a penalty of
8 not less than one hundred nor more than five hundred
9 dollars for each Class II violation for which the
10 licensee's facility is cited, however the director may
11 waive the penalty if the violation is corrected within
12 the time specified in the citation.

13 3. A Class III violation is any violation of this
14 chapter or of the rules adopted pursuant to it which
15 violation is not classified in the ~~department's~~ rules
16 of the Iowa department of public health nor
17 classifiable under the criteria stated in those rules
18 as a Class I or a Class II violation. A licensee
19 shall not be subject to a penalty for a Class III
20 violation, except as provided by section 135C.40,
21 subsection 1 for failure to correct the violation
22 within a reasonable time specified by the department
23 of inspections and appeals in the notice of the
24 violation."

25 6. By numbering and renumbering as necessary.

BOB CARR
BERL PRIEBE
DONALD DOYLE
DALE TIEDEN

S-3871

- 1 Amend Senate File 220 as follows:
- 2 1. By striking everything after the enacting

3 clause and inserting the following:

4 "Section 1. Section 99D.12, subsection 2,
5 paragraph a, Code 1989, is amended to read as follows:
6 a. ~~Seventy-five~~ Seventy-three percent shall be
7 retained by the licensee to supplement purses for
8 races won by Iowa-whelped dogs as provided in section
9 99D.22.

10 Sec. 2. Section 99D.12, subsection 2, Code 1989,
11 is amended by adding the following new paragraph:
12 NEW PARAGRAPH. c. Two percent shall be deposited
13 by the commission into a special fund to be known as
14 the dog racing promotion fund. The commission each
15 year shall approve a nonprofit organization to use
16 moneys in the fund for research, education, and
17 marketing of dog racing in the state, including public
18 relations, and other promotional techniques. The
19 nonprofit organization shall not engage in political
20 activity. It shall be a condition of the allocation
21 of funds that any organization receiving funds shall
22 not expend the funds on political activity or on any
23 attempt to influence legislation.

24 Sec. 3. Section 99D.13, subsection 2, Code 1989,
25 is amended by striking the subsection and inserting in
26 lieu thereof the following:

27 2. Winnings from each racetrack forfeited under
28 subsection 1 shall escheat to the state and to the
29 extent appropriated by the general assembly shall be
30 used by the department of agriculture and land
31 stewardship to administer sections 99D.22 and 99D.27.
32 The remainder shall be paid over to the commission to
33 pay the cost of drug testing at the tracks. To the
34 extent the remainder paid over to the commission, less
35 the cost of drug testing, is from unclaimed winnings
36 from harness racing meets, the remainder shall be used
37 as provided in subsection 3. To the extent the
38 remainder paid over to the commission, less the cost
39 of drug testing, is from unclaimed winnings from
40 tracks licensed for dog races, the commission, at
41 least quarterly, shall remit one-third of the amount
42 to the treasurer of the city in which the racetrack is
43 located, one-third of the amount to the treasurer of
44 the county in which the racetrack is located, and one-
45 third of the amount to the racetrack from which it was
46 forfeited. If the racetrack is not located in a city,
47 then one-third shall be deposited as provided in
48 chapter 556. The amount received by the racetrack
49 under this subsection shall be used only for retiring
50 the debt of the racetrack facilities and for capital

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1 improvements to the racetrack facilities.

2 Sec. 4. Section 99D.13, Code 1989, is amended by
3 adding the following new subsection:

4 NEW SUBSECTION. 3. One hundred twenty thousand
5 dollars of winnings from wagers placed at harness
6 racing meets forfeited under subsection 1 in a
7 calendar year that escheat to the state and are paid
8 over to the commission are appropriated to the racing
9 commission for the fiscal year beginning in that
10 calendar year to be used as follows:

11 a. Eighty percent of the amount appropriated shall
12 be allocated to the harness racing tracks in existence
13 on July 1, 1989, to be used by the tracks to
14 supplement the purses for those harness races in which
15 only Iowa-bred or owned horses may run. However,
16 beginning with the allocation of the appropriation
17 made for the fiscal year beginning July 1, 1992, the
18 races for which the purses are to be supplemented
19 under this paragraph shall be those in which only
20 Iowa-bred two-year and three-year olds may run.

21 b. Twenty percent of the amount appropriated shall
22 be allocated to the harness racing tracks in existence
23 on July 1, 1989, to be used by the tracks for
24 maintenance of and improvements to the tracks.
25 Notwithstanding section 8.33, unencumbered or un-
26 obligated funds remaining on June 30 of the fiscal
27 year for which the funds were appropriated shall not
28 revert but shall be available for expenditure for the
29 following fiscal year for the purposes of this
30 subsection.

31 Sec. 5. Section 99D.14, subsection 4, Code 1989,
32 is amended to read as follows:

33 4. No other license tax, permit tax, occupation
34 tax, or racing fee, shall be levied, assessed, or
35 collected from a licensee by the state or by a
36 political subdivision, except as provided in this
37 chapter. All property used in the operation of a race
38 track shall be exempt from property tax.

39 Sec. 6. Section 99D.15, subsection 1, unnumbered
40 paragraph 1, Code 1989, is amended to read as follows:

41 A tax of six percent is imposed on the gross sum
42 wagered by the pari-mutuel method at each horse race
43 meeting. The tax imposed by this section subsection
44 shall be paid by the licensee to the treasurer of
45 state within ten days after the close of each horse
46 race meeting and shall be distributed as follows:

47 Sec. 7. Section 99D.15, subsection 2, Code 1989,
48 is amended to read as follows:

49 2. A tax credit of up to five percent of the gross
50 sum wagered per year shall be granted to licensees

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1 licensed for horse races and paid into a special fund
2 for the purpose of retiring the annual debt on the
3 cost of construction of the licensed facility.
4 However, the tax credit is equal to six percent of the
5 gross sum wagered in a year when the gross sum wagered
6 is less than ninety million dollars. Any portion of
7 the credit not used in a particular year shall be
8 retained by the treasurer of state. A tax credit
9 shall first be assessed against any share going to a
10 city, then to the share going to a county, and then to
11 the share going to the state.

12 Sec. 8. Section 99D.15, Code 1989, is amended by
13 adding the following new subsection:

14 NEW SUBSECTION. 3. a. A tax is imposed on the
15 gross sum wagered by the pari-mutuel method at each
16 track licensed for dog races. The tax imposed by this
17 subsection shall be paid by the licensee to the
18 treasurer of state within ten days after the close of
19 the track's racing season. The rate of tax on each
20 track is as follows:

21 (1) Six percent, if the gross sum wagered in the
22 racing season is fifty-five million dollars or more.

23 (2) Five percent, if the gross sum wagered in the
24 racing season is thirty million dollars or more but
25 less than fifty-five million dollars.

26 (3) Four percent, if the gross sum wagered in the
27 racing season is less than thirty million dollars.

28 b. The tax revenue shall be distributed as
29 follows:

30 (1) If the racetrack is located in a city, one-
31 half of one percent of the gross sum wagered shall be
32 remitted to the treasurer of the city in which the
33 racetrack is located and shall be deposited in the
34 general fund of the city. One-half of one percent of
35 the gross sum wagered shall be remitted to the
36 treasurer of the county in which the racetrack is
37 located and shall be deposited in the general fund of
38 the county. The remaining amount shall be deposited
39 in the general fund of the state.

40 (2) If the racetrack is located in an
41 unincorporated part of a county, one-half of one
42 percent of the gross sum wagered shall be remitted to
43 the treasurer of the county in which the racetrack is
44 located and shall be deposited in the general fund of
45 the county. The remaining amount shall be deposited

46 in the general fund of the state.
47 c. If the rate of tax imposed under paragraph "a"
48 is five percent or four percent, a track shall set
49 aside for retiring the debt of the racetrack
50 facilities or for capital improvement to the racetrack

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1 facilities the following amount:

2 (1) If the rate of tax paid by the track is five
3 percent, one percent of the gross sum wagered in the
4 racing season shall be set aside.

5 (2) If the rate of tax paid by the track is four
6 percent, two percent of the gross sum wagered in the
7 racing season shall be set aside.

8 Sec. 9. NEW SECTION. 99D.27 RACING DOG ADOPTION
9 PROGRAM.

10 1. The department shall administer an adoption
11 program for a dog, if the dog meets the following
12 conditions:

13 a. Belongs to a breed eligible for racing under
14 this chapter.

15 b. Fails to qualify for racing under this chapter.

16 c. Has a disposition compatible as a pet residing
17 within a household.

18 d. Is free of disease or disability requiring
19 extensive medical treatment.

20 2. The department shall accept the ownership of a
21 dog qualifying under this section for purposes of
22 transferring ownership of the dog without charge to a
23 person whom the department determines will provide the
24 dog with care and companionship. A dog shall not be
25 transferred to a person for purposes related to
26 racing, breeding, hunting, laboratory research, or
27 scientific experimentation. The department shall
28 transfer information relating to the dog to the new
29 owner.

30 3. Before transferring ownership of a dog to a new
31 owner, the department shall do the following:

32 a. Record information about the dog when the owner
33 transfers the dog to the department.

34 b. Ensure that the dog is sterilized according to
35 accepted veterinary procedures.

36 c. Keep the dog in a sound and healthy condition,
37 including providing the dog with necessary
38 vaccinations.

39 4. The department may destroy a dog, if the dog
40 becomes seriously diseased or disabled or the dog has
41 not been transferred to a new owner within a period of
42 time established by the department. The department

43 shall destroy a dog only by use of euthanasia as
 44 defined in section 162.2.
 45 5. The department may cooperate or contract with a
 46 pound, animal shelter, or commercial kennel, as
 47 defined in section 162.1, to administer this section.
 48 Sec. 10. For the fiscal year beginning July 1,
 49 1989, and ending June 30, 1990, moneys deposited into
 50 the dog racing promotion fund pursuant to section

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1 99D.12 shall be paid by the state racing commission to
 2 the Iowa greyhound association for purposes of
 3 research, education, and marketing of dog racing in
 4 the state, including public relations, and other
 5 promotional techniques.
 6 Sec. 11. Section 99D.16, Code 1989, is repealed.
 7 Sec. 12. Section 8 of this Act applies to tracks
 8 licensed for dog races whose racing season ends on or
 9 after January 1, 1989.
 10 Sec. 13. Licensees affected by the enactment of
 11 section 8 of this Act are entitled to a refund of the
 12 excess taxes paid under section 99D.15, if a claim for
 13 refund is filed with the department of revenue and
 14 finance by July 1, 1990.
 15 Sec. 14. Section 11 of this Act applies
 16 retroactively to January 1, 1989, for tax years
 17 beginning on or after that date.
 18 Sec. 15. This Act, being deemed of immediate
 19 importance, takes effect upon enactment."
 20 2. Title page, line 1, by striking the word
 21 "unclaimed".

BERL E. PRIEBE

S-3872

1 Amend Senate File 523 as follows:
 2 1. Page 1, by inserting after line 13 the
 3 following:
 4 "2. "General election period" means the period
 5 beginning on the eleventh day after the date of the
 6 primary election and ending on December 31 following
 7 the date of the general election.
 8 3. "Primary election period" means the period
 9 beginning on January 1 of the calendar year in which
 10 the primary election is held and ending on the tenth
 11 day after the date of the primary election."
 12 2. Page 1, by striking line 14 and inserting the

13 following:

14 "4. "Restricted campaign" means the campaign of a
15 general election candidate".

16 3. Page 1, line 17, by striking the figure

17 "56.53" and inserting the following: "56.55".

18 4. Page 1, lines 24 and 25, by striking the words

19 "at the time of filing nomination papers" and

20 inserting the following: "before the beginning of the

21 general election period".

22 5. Page 1, line 27, by inserting before the word

23 "in" the following: "filed with the commission".

24 6. Page 1, line 32, by striking the figure

25 "56.53" and inserting the following: "56.55".

26 7. By striking page 1, line 33 through page 2,

27 line 2, and inserting the following: "56.58."

28 8. By striking page 2, line 3 through page 3,

29 line 5.

30 9. Page 4, by inserting after line 32 the

31 following:

32 "5. If a candidate for an eligible office

33 registers for a restricted campaign, the candidate and

34 candidate's committee are subject to the following

35 requirements:

36 a. The candidate's committee shall report to the

37 commission, as part of the committee's disclosure

38 report required to be filed in July following the

39 primary election, all unexpended moneys remaining in

40 the campaign account at the end of the primary

41 election period and all unused materials and supplies.

42 The report shall be in the form prescribed by the

43 commission and shall contain estimates of the fair

44 market value of the unused materials and supplies.

45 The total of the unexpended moneys and the estimated

46 fair market value of the unused materials and supplies

47 shall be counted against the expenditure limitation

48 imposed by this section.

49 b. If a nonconsumable item of equipment having a

50 fair market value of fifty dollars or more is

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1 purchased during the primary election period with

2 moneys from the campaign account and the item is

3 intended for use during both the primary election

4 period and the general election period, fifty percent

5 of the cost of the item shall be counted against the

6 expenditure limitation imposed by this section."

7 10. Page 5, line 11, by striking the figure

8 "56.53" and inserting the following: "56.55".

9 11. Page 5, line 14, by striking the words

10 "Following the primary election" and inserting the
 11 following: "As soon as possible after the beginning
 12 of the general election period,".

13 12. By striking page 5, line 34 through page 6,
 14 line 1, and inserting the following: "not limited to
 15 rules establishing campaign finance".

16 13. Page 6, by striking lines 15 and 16 and
 17 inserting the following: "contributions to the
 18 candidate's".

19 14. Page 6, by inserting after line 22 the
 20 following:

21 "A political contribution is not eligible for the
 22 political contribution credit unless it was made
 23 during the primary election period or general election
 24 period, as defined in section 56.51, for the candidate
 25 to whom the contribution was made."

26 15. Page 9, line 32, by striking the words "USE
 27 OF CAMPAIGN FUNDS" and inserting the following:
 28 "CAMPAIGN FUNDS AND PROPERTY".

29 16. Page 9, line 35, by inserting after the word
 30 "section" the following: "and section 56.33".

31 17. Page 10, line 6, by striking the words "and
 32 newspaper" and inserting the following: "newspaper,
 33 and outdoor".

34 18. Page 10, by striking lines 8 and 9 and
 35 inserting the following:

36 "(2) Leaflets, fliers, buttons, stickers, posters,
 37 and yard signs for the candidate, including materials
 38 and equipment necessary to produce these items."

39 19. Page 10, by striking line 21 and inserting
 40 the following:

41 "(8) Rent, utilities, and general maintenance for
 42 the".

43 20. Page 10, line 25, by inserting after the word
 44 "services," the following: "office supplies,".

45 21. Page 11, by striking lines 4 through 6 and
 46 inserting the following: "balance shall be used in
 47 one or more of the following ways:

48 a. For legitimate campaign expenses as enumerated
 49 in this section.

50 b. For donations to a charitable purpose.

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1 c. For return of contributions to contributors on
 2 a pro rata basis."

3 22. Page 11, by inserting after line 8 the
 4 following:

5 "Sec. ____ . NEW SECTION. 56.33 CAMPAIGN PROPERTY.

6 1. Equipment, supplies, or other materials

7 purchased with campaign funds are campaign property.
8 Campaign property belongs to the candidate's committee
9 and not to the candidate.

10 2. Upon dissolution of the candidate's committee,
11 a report accounting for the disposition of all items
12 of campaign property having a residual value of
13 twenty-five dollars or more shall be filed with the
14 commission. Each item of campaign property having a
15 residual value of twenty-five dollars or more shall be
16 disposed of by one of the following methods:

17 a. Sale of the property at fair market value, in
18 which case the proceeds shall be treated the same as
19 other campaign funds.

20 b. Contribution of the property to the candidate's
21 committee of another candidate or to a state or county
22 statutory political committee.

23 c. Donation of the property to a charitable
24 purpose."

25 23. Page 13, by inserting after line 4 the
26 following

27 "DIVISION V -- LIMITATIONS ON CONTRIBUTIONS

28 Sec. ____ . Sections 100 through 103 of this Act are
29 created as a new division of chapter 56.

30 Sec. 100. NEW SECTION. 56.71 DEFINITIONS.

31 As used in this division, unless the context
32 requires otherwise:

33 1. "General election period" means the period
34 beginning on the eleventh day after the date of the
35 primary election and ending on December 31 following
36 the date of the general election.

37 2. "Primary election period" means the period
38 beginning on January 1 of the calendar year in which
39 the primary election is held and ending on the tenth
40 day after the date of the primary election.

41 Sec. 101. NEW SECTION. 56.72 LIMITATIONS ON
42 CONTRIBUTIONS -- STATE REPRESENTATIVE.

43 1. A candidate for state representative and the
44 candidate's committee shall not accept contributions
45 from a political committee, other than a candidate's
46 committee or state or county statutory political
47 committee, which exceed two hundred dollars during a
48 primary election period and two hundred dollars during
49 a general election period or special election period
50 in the case of a special election pursuant to section

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1 69.14.

2 2. A candidate for state representative and the
3 candidate's committee shall not accept contributions

4 from political committees, excluding candidate's
5 committees and state and county statutory political
6 committees, aggregating more than five thousand
7 dollars during a primary election period and seven
8 thousand five hundred dollars during a general
9 election period or special election period in the case
10 of a special election pursuant to section 69.14.

11 Sec. 102. NEW SECTION. 56.73 LIMITATIONS ON
12 CONTRIBUTIONS -- STATE SENATOR.

13 1. A candidate for state senator and the
14 candidate's committee shall not accept contributions
15 from a political committee, other than a candidate's
16 committee or state or county statutory political
17 committee, which exceed four hundred dollars during a
18 primary election period and four hundred dollars
19 during a general election period or special election
20 period in the case of a special election pursuant to
21 section 69.14.

22 2. A candidate for state senator and the
23 candidate's committee shall not accept contributions
24 from political committees, excluding candidate's
25 committees and state and county statutory political
26 committees, aggregating more than ten thousand dollars
27 during a primary election period and fifteen thousand
28 dollars during a general election period or special
29 election period in the case of a special election
30 pursuant to section 69.14.

31 Sec. 103. NEW SECTION. 56.74 COMMISSION RULES.

32 The commission shall adopt rules as necessary for
33 the administration and enforcement of this division,
34 including but not limited to rules defining the period
35 during which the contribution limitations apply in the
36 case of a special election pursuant to section 69.14."

37 24. Page 13, line 5, by striking the word and
38 figure "DIVISION V" and inserting the following:
39 "DIVISION VI".

40 25. Page 13, by striking lines 6 through 29.

41 26. Page 13, by inserting after line 35 the
42 following:

43 "Sec. ____ . Section 56.3, subsection 1, Code 1989,
44 is amended to read as follows:

45 1. Every committee shall appoint a treasurer.

46 a. In the case of a candidate's committee, the
47 treasurer shall be appointed by the candidate. The
48 candidate shall notify the commission of the name and
49 address of the treasurer. A statement of organization
50 shall be completed and forwarded to the commission

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1 within ten days of the organizing of the committee as
2 required by section 56.5. The statement of
3 organization form shall contain the statement that the
4 treasurer accepts full responsibility for the filing
5 of disclosure reports under this chapter, and shall be
6 signed by the treasurer. The treasurer shall then be
7 referred to as the treasurer of record and shall carry
8 out those duties until a letter of resignation from
9 the treasurer is received by the commission, or the
10 candidate notifies the commission in writing of the
11 appointment of a new treasurer. The candidate shall
12 also sign the statement of organization, and it shall
13 contain the statement that the candidate agrees to
14 provide the treasurer with all books and records of
15 the committee. When a new treasurer or other officers
16 are appointed, an amended statement of organization
17 shall be filed which is signed by the new treasurer
18 and the candidate. ~~At~~ The treasurer shall also be
19 provided access to the committee bank account, but an
20 expenditure shall not be made by the treasurer or
21 treasurer's designee for or on behalf of a candidate's
22 committee without the approval of the chairperson of
23 the committee, or the candidate.

24 b. In the case of other political committees, the
25 treasurer shall be appointed by the chairperson of the
26 committee unless the committee operates under bylaws
27 providing a different method of appointment. A
28 statement of organization shall be completed and
29 forwarded to the commission within ten days of the
30 organizing of the committee as required by section
31 56.5. The statement of organization form shall
32 contain the statement that the treasurer accepts full
33 responsibility for the filing of disclosure reports
34 under this chapter, and shall be signed by the
35 treasurer. The treasurer shall then be referred to as
36 the treasurer of record and shall carry out those
37 duties until a letter of resignation from the
38 treasurer is received by the commission or the
39 chairperson notifies the commission in writing of the
40 appointment of a new treasurer. The committee
41 chairperson shall also sign the statement of
42 organization, and it shall contain the statement that
43 the chairperson agrees to provide the treasurer with
44 all books and records of the committee. When a new
45 treasurer or other officers are appointed, an amended
46 statement of organization shall be filed which is
47 signed by the new treasurer and the chairperson. The

48 treasurer shall also be provided access to the
 49 committee bank account, but an expenditure shall not
 50 be made by the treasurer or the treasurer's designee

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1 for or on behalf of the political committee without
 2 the approval of the chairperson of the committee.
 3 c. If the candidate in the case of a candidate's
 4 committee, or the chairperson in the case of other
 5 political committees, fails to provide access to the
 6 bank account and committee records, the treasurer may
 7 be absolved of these duties by sending a signed letter
 8 of resignation to the commission.

9 d. In the case of the resignation of a treasurer
 10 of a candidate's committee, the candidate
 11 automatically becomes the treasurer of record for the
 12 committee and is responsible for all disclosure
 13 requirements of the committee until a new treasurer is
 14 appointed and provided the books and records.

15 e. In the case of the resignation of a treasurer
 16 of a political committee other than a candidate's
 17 committee, the chairperson automatically becomes the
 18 treasurer of record for the committee and is
 19 responsible for all disclosure requirements of the
 20 committee until a new treasurer is appointed and
 21 provided the books and records."

22 27. Page 14, by inserting after line 9 the
 23 following:

24 "Sec. ____ . Section 56.10, subsection 4, Code 1989,
 25 is amended to read as follows:

26 4. Adopt rules pursuant to chapter 17A and levy
 27 civil penalties to carry out this chapter. The rules
 28 shall provide that the candidate, or the treasurer of
 29 a candidate's committee, or the chairperson or
 30 treasurer of a political committee, is responsible for
 31 filing disclosure reports as required by this chapter,
 32 and shall receive notice from the commission if the
 33 committee has failed to file a disclosure report at
 34 the time required by this chapter. A candidate, or
 35 treasurer of a candidate's committee, or chairperson
 36 or treasurer of a political committee, may be subject
 37 to a civil penalty for failure to file a disclosure
 38 report required by this chapter if the report has not
 39 been filed when required by section 56.6, subsection

40 1. A person who causes the publication or
 41 distribution of published political advertising
 42 material may be subject to a civil penalty for failure
 43 to include the identity and address of the person

44 responsible for the material as required by section
45 56.14.

46 Sec. ____ . NEW SECTION. 56.13A REPORT OF
47 INDEPENDENT EXPENDITURES.

48 1. A person, other than a committee, who makes an
49 independent expenditure for the purpose of supporting
50 or opposing a candidate for public office or a ballot

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1 issue, which totals an amount of one hundred dollars
2 or more in a calendar year shall file a report of the
3 independent expenditure, within ten days, with the
4 officer designated in section 56.4. The report shall
5 be made on an independent expenditure report form
6 prescribed by the commission and shall include the
7 date of the expenditure, a brief description of the
8 nature of the expenditure, the amount, the name and
9 address of the person to whom it was paid, the name
10 and address of the person filing the report, together
11 with the name and address of each person who
12 contributed one hundred dollars or more to the
13 expenditure.

14 2. As used in this section:

15 a. "Independent expenditure" means an expenditure
16 which is not made at the direction of, or under the
17 control of, any candidate's committee or political
18 committee.

19 b. "Supporting or opposing a candidate for public
20 office" includes but is not limited to comparing in a
21 paid advertisement the voting records or other
22 evidence of positions taken by two or more named
23 candidates on specific issues."

24 28. Page 14, by inserting after line 18 the
25 following:

26 "Sec. ____ . APPLICABILITY. The restrictions on the
27 use of campaign funds imposed by section 56.32, as
28 enacted by this Act, apply to all campaign funds held
29 in campaign accounts on and after the effective date
30 of this Act."

31 29. Title page, line 7, by inserting after the
32 word "funds" the following: "and disposition of
33 campaign property".

34 30. Title page, line 8, by inserting after the
35 word "candidate," the following: "providing
36 limitations on certain contributions, amending
37 provisions relating to treasurers of committees,".

38 31. By numbering and renumbering as necessary.

S-3873

1 Amend House File 660 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 3, by inserting after the word
 4 "surveys" the following: "of retail pump prices".
 5 2. Page 1, line 4, by inserting after the word
 6 "fuel" the following: "retail pump".
 7 3. Page 1, line 7, by inserting after the word
 8 "surveys" the following: "of retail pump prices".
 9 4. Page 1, line 8, by inserting after the word
 10 "fuel" the following: "retail pump".
 11 5. Page 1, line 9, by inserting after the word
 12 "cities." the following: "The surveys shall reflect
 13 the correlation between the American society for
 14 testing and materials specifications and standards for
 15 each individual motor fuel surveyed and the retail
 16 pump price of that individual motor fuel. However,
 17 the surveys shall not reflect the computation of
 18 wholesale and dealer margins."

JACK RIFE

S-3874

1 Amend amendment S-3190 to Senate File 220 as
 2 follows:
 3 1. Page 1, line 4, by striking the word "Section"
 4 and inserting the following:
 5 "Sec. ____ . Section 99D.11, subsection 6, Code
 6 1989, is amended to read as follows:
 7 6. a. All wagering shall be conducted within the
 8 racetrack enclosure where the licensed race is held,
 9 except as provided in paragraph "b".
 10 b. The commission may authorize the licensee to
 11 simultaneously telecast within the racetrack enclosure
 12 for purpose of pari-mutuel wagering a horse or dog
 13 race licensed by the racing authority of another
 14 state. It is the responsibility of each licensee to
 15 obtain the consent of appropriate racing officials in
 16 other states as required by the federal Interstate
 17 Horseracing Act of 1978, 15 U.S.C. § 3001-3007, to
 18 televise races for the purpose of conducting pari-
 19 mutuel wagering. A licensee may also obtain the
 20 permission of a person licensed by the commission to
 21 conduct horse or dog races in this state to televise
 22 races conducted by that person for the purpose of
 23 conducting pari-mutuel racing. However, arrangements

24 made by a licensee to televise any race for the
25 purpose of conducting pari-mutuel wagering are subject
26 to the approval of the commission, and the commission
27 may limit a licensee in terms of the number of races
28 which may be televised, the location from which races
29 may originate, and the number of days that the
30 licensee may televise races for the purpose of
31 conducting pari-mutuel wagering. For purposes of the
32 taxes imposed under this chapter, races televised by a
33 licensee for purposes of pari-mutuel wagering shall be
34 treated as if the races were held at the racetrack of
35 the licensee.
36 Sec.”

GEORGE KINLEY

S-3875

1 Amend the amendment, S-3190, to Senate File 220, as
2 follows:
3 1. Page 2, line 20, by inserting after the word
4 “run.” the following: “In addition, the races must be
5 held under the control or jurisdiction of the Iowa
6 state fair board, established under section 173.1, or
7 of a society, as defined under section 174.1.”
8 2. Page 2, line 24, by inserting after the word
9 “tracks.” the following: “Races held at the tracks
10 must be under the control or jurisdiction of the Iowa
11 state fair board, established under section 173.1, or
12 of a society, as defined under section 174.1.”

JOE WELSH

S-3876

1 Amend amendment S-3871 to Senate File 220 as
2 follows:
3 1. Page 1, line 4, by striking the word “Section”
4 and inserting the following:
5 “Sec. ____ . Section 99D.11, subsection 6, Code
6 1989, is amended to read as follows:
7 6. a. All wagering shall be conducted within the
8 racetrack enclosure where the licensed race is held,
9 except as provided in paragraph “b”.
10 b. The commission may authorize the licensee to
11 simultaneously telecast within the racetrack enclosure
12 for purpose of pari-mutuel wagering a horse or dog
13 race licensed by the racing authority of another

14 state. It is the responsibility of each licensee to
 15 obtain the consent of appropriate racing officials in
 16 other states as required by the federal Interstate
 17 Horseracing Act of 1978, 15 U.S.C. § 3001-3007, to
 18 televise races for the purpose of conducting pari-
 19 mutuel wagering. A licensee may also obtain the
 20 permission of a person licensed by the commission to
 21 conduct horse or dog races in this state to televise
 22 races conducted by that person for the purpose of
 23 conducting pari-mutuel racing. However, arrangements
 24 made by a licensee to televise any race for the
 25 purpose of conducting pari-mutuel wagering are subject
 26 to the approval of the commission, and the commission
 27 may limit a licensee in terms of the number of races
 28 which may be televised, the location from which races
 29 may originate, and the number of days that the
 30 licensee may televise races for the purpose of
 31 conducting pari-mutuel wagering. For purposes of the
 32 taxes imposed under this chapter, races televised by a
 33 licensee for purposes of pari-mutuel wagering shall be
 34 treated as if the races were held at the racetrack of
 35 the licensee.
 36 Sec.”

GEORGE KINLEY

S-3877

- 1 Amend the House amendment, S-3850 to Senate File
- 2 419 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, by striking line 21.

JACK RIFE

S-3878

- 1 Amend the amendment, S-3871, to Senate File 220, as
- 2 follows:
- 3 1. Page 2, line 20, by inserting after the word
- 4 “run.” the following: “In addition, the races must be
- 5 held under the control or jurisdiction of the Iowa
- 6 state fair board, established under section 173.1, or
- 7 of a society, as defined under section 174.1.”
- 8 2. Page 2, line 24, by inserting after the word
- 9 “tracks.” the following: “Races held at the tracks
- 10 must be under the control or jurisdiction of the Iowa

11 state fair board, established under section 173.1, or
12 of a society, as defined under section 174.1.”

JOE WELSH

S-3879

1 Amend amendment, S-3871, to Senate File 220 as
2 follows:

DIVISION S—3879A

3 1. Page 5, by striking line 6.

DIVISION S—3879B

4 2. Page 5, by striking lines 15 through 17.

WILLIAM DIELEMAN

S-3880

1 Amend amendment, S-3871, to Senate File 220 as
2 follows:

3 1. Page 2, by striking lines 31 through 38.

WILLIAM DIELEMAN

S-3881

1 Amend amendment, S-3871, to Senate File 220, as
2 follows:

3 1. Page 2, lines 12 and 13, by striking the words
4 “the harness racing tracks in existence on July 1,
5 1989” and inserting the following: “qualified harness
6 racing tracks”.

7 2. Page 2, lines 22 and 23, by striking the words
8 “the harness racing tracks in existence on July 1,
9 1989” and inserting the following: “qualified harness
10 racing tracks”.

11 3. Page 2, by inserting after line 24 the
12 following:

13 “c. For purposes of this subsection, “qualified
14 harness racing track” means a harness racing track
15 that has either held at least one harness race meet
16 between July 1, 1985, and July 1, 1989, or after July
17 1, 1989, has applied to and been approved by the

18 racing commission for the allocation of funds under
 19 this subsection. The racing commission shall approve
 20 an application if the harness racing track has held at
 21 least one harness race meet during the year preceding
 22 the year for which the track seeks funds under this
 23 subsection.”

LARRY MURPHY

S-3882

1 Amend amendment, S-3871, to Senate File 220 as
 2 follows:

3 1. By striking page 1, line 25 through page 2,
 4 line 30, and inserting the following: “is amended to
 5 read as follows:

6 2. Winnings forfeited under subsection 1 shall
 7 escheat to the state and be paid over to the director
 8 of revenue and finance to be used to reimburse the
 9 commission for the cost of drug testing at the tracks
 10 and to the extent appropriated by the general assembly
 11 ~~shall to~~ be used for the benefit of the department of
 12 agriculture and land stewardship to the extent
 13 necessary to administer section 99D.22 and the
 14 remainder shall be deposited as provided in chapter
 15 556.”

JOHN JENSEN

S-3883

1 Amend amendment, S-3871, to Senate File 220, as
 2 follows:

3 1. Page 4, by striking lines 10 through 47, and
 4 inserting the following:

5 “1. The department of agriculture and land
 6 stewardship shall oversee a program to adopt dogs
 7 eligible to race under this chapter. The department
 8 shall solicit applications from nonprofit
 9 organizations to carry out the program. The
 10 department shall select one or more organizations from
 11 each track to implement the program and enter into a
 12 contract with the organization selected.
 13 Funds appropriated for the program shall be used
 14 for the administrative costs of the department to
 15 administer and oversee the program and to compensate
 16 the contracted organization for operating the program.
 17 In making the selection, the department shall assess

18 the ability of the organization to carry out the
19 objectives of the program. The department shall adopt
20 rules relating to the operation of the program and
21 oversight of the contracted organization.

22 2. A contracted organization selected under
23 subsection 1 shall identify dogs that are potential
24 candidates for adoption. The contracted organization
25 shall evaluate each dog to ensure that all of the
26 following conditions are met:

27 a. The dog is of a breed eligible for racing under
28 this chapter.

29 b. The dog has a disposition compatible as a pet
30 residing within a household.

31 c. The dog is free of disease or disability
32 requiring extensive medical treatment.

33 d. The dog has either raced at one of the tracks
34 licensed under this chapter or is owned by a resident
35 of Iowa.

36 3. After determining that a dog is eligible to be
37 placed for adoption under this program, the contracted
38 organization shall attempt to place the dog in a home
39 suitable for the dog. If a suitable home is located,
40 the organization shall arrange for ownership of the
41 dog to be transferred from the owner of the dog to the
42 person who is adopting the dog. A dog shall not be
43 transferred to a person for purposes related to
44 racing, breeding, hunting, laboratory research, or
45 scientific experimentation. The organization shall
46 transfer information relating to the dog to the new
47 owner. A dog eligible to race under this chapter
48 shall not be given away, except through a contracted
49 organization.

50 4. The contracting organization may destroy a dog

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1 if the dog becomes seriously diseased or disabled or
2 the dog has not been transferred to a new owner within
3 a period of time established by the department. The
4 contracting organization shall destroy a dog only by
5 use of euthanasia as defined in section 162.2. The
6 department shall maintain a list of all dogs that have
7 been destroyed.

8 5. Before transferring ownership of a dog to a new
9 owner, the contracting organization shall do both of
10 the following:

11 a. Ensure that the dog is sterilized according to
12 accepted veterinary procedures.

13 b. Keep the dog in a sound and healthy condition,
14 including providing the dog with necessary

15 vaccinations.

16 6. The contracting organization may charge the
17 adopting person the necessary expenses actually
18 incurred in having the dog sterilized, vaccinated, or
19 treated.

20 7. The department shall periodically inspect the
21 operations and records of each contracting
22 organization to ensure compliance with this section
23 and to ensure a facility operated by or for the
24 contracting organization under this program is
25 complying with chapter 162 and rules adopted pursuant
26 to that chapter. The department may suspend or revoke
27 the contracting organization's participation in the
28 program if the department finds the organization is
29 not complying with the requirements of this section or
30 rules adopted by the department.

31 8. The state and state personnel are not liable
32 for any claim that might be brought resulting from an
33 adoption of a dog under this program."

JIM LIND

S-3884

1 Amend Senate File 523 as follows:

2 1. Page 14, by inserting before line 19 the fol-
3 lowing:

4 "Sec. — . NEW SECTION. 56.81 POLITICAL CANDI-
5 DATES 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, treasurer of state, secretary of state,
10 auditor of state, secretary of agriculture, attorney
11 general, state senator, and state representative which
12 receive contributions, make expenditures or incur
13 indebtedness in excess of two hundred fifty dollars in
14 a calendar year.

15 2. There is imposed a four percent tax on all con-
16 tributions to a candidate's committee subject to this
17 section with the following exceptions:

18 a. The tax is not imposed on the first twenty-five
19 dollars contributed by an individual or a political
20 committee.

21 b. If the contributions result from a fund-raising
22 event, the four percent tax shall be imposed on the
23 net proceeds of the event and the twenty-five dollar
24 exclusion of paragraph "a" shall not apply to the in-
25 dividual contributions.

26 3. The tax imposed by this section shall be paid
27 with the disclosure reports required under this chap-
28 ter for the contributions received by the candidate's
29 committee during the period covered by the report.
30 The tax shall be paid to the commission, which shall
31 remit it to the treasurer of state for deposit in the
32 political candidates contribution tax fund established
33 under section 56.82.

34 4. If a candidate's committee fails to fully pay
35 the amount of tax when due, a penalty of five percent
36 is assessed on the amount of tax with the interest at
37 the rate in effect under section 421.7 from the date
38 the tax was due until paid.

39 Sec. ____ . NEW SECTION. 56.82 POLITICAL
40 CANDIDATES CONTRIBUTION TAX FUND.

41 The political candidates contribution tax fund is
42 created in the office of the treasurer of state to be
43 used for grants to candidates for governor, treasurer
44 of state, secretary of state, auditor of state, secre-
45 tary of agriculture, attorney general, state senator,
46 and state representative complying with specified
47 conditions, restrictions, and limitations, as provided
48 by the general assembly.

49 Sec. ____ . NEW SECTION. 56.83 DEFERRED APPLIC-
50 ABILITY.

Page 2

- 1 Sections 56.81 and 56.82 apply to contributions
2 received on and after July 1, 1990."
- 3 2. Title page, line 10, by inserting after the
4 word "purposes," the following: "imposing a political
5 candidates contribution tax,".
- 6 3. By numbering and renumbering as necessary.

LARRY MURPHY

S-3885

- 1 Amend the House amendment, S-3854, to Senate File
2 363 as amended, passed and reprinted by the Senate as
3 follows:
 - 4 1. Page 5, by inserting after line 43, the
5 following:
 - 6 "____. Page 11, by inserting after line 18 the
7 following:
 - 8 "Sec. ____ . Notwithstanding any other provision of
9 law, the department of inspections and appeals shall
10 pay any claims for indigent defense and juvenile

11 defense remaining unpaid at the close of fiscal year
12 1989 from funds appropriated to the department for
13 fiscal year 1990.””

EUGENE FRAISE

S-3886

1 Amend the amendment, S-3648, to House File 686, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 2, line 30, by inserting after the word
5 “purposes.” the following: “The foundation shall
6 coordinate the issuance of notes and bonds with the
7 treasurer of state as set forth in section 12.30.”

PAT DELUHERY
JOHN KIBBIE

S-3887

1 Amend Senate File 529 as follows:

2 1. Page 2, line 5, by striking the word
3 “thirteen” and inserting the following: “fourteen”.
4 2. Page 2, line 14, by striking the word “Four”
5 and inserting the following: “Five”.
6 3. Page 2, line 15, by striking the words “and
7 two” and inserting the following: “, two”.
8 4. Page 2, line 16, by inserting after the word
9 “technology” the following: “, and one from the
10 university of northern Iowa”.
11 5. Page 2, line 16, by striking the words “Two of
12 these members” and inserting the following: “One of
13 the members from both the state university of Iowa and
14 Iowa state university of science and technology”.
15 6. Page 2, line 18, by striking the word “two”.

JOHN W. JENSEN
BILL HUTCHINS

S-3888

1 Amend Senate File 514 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:
4 “Section 1. Section 422.45, subsection 20, Code
5 1989, is amended to read as follows:

6 20. The gross receipts from sales or services
 7 rendered, furnished or performed by a county or city.
 8 This exemption does not apply to the tax specifically
 9 imposed under section 422.43 on the gross receipts
 10 from the sales, furnishing, or service of gas,
 11 electricity, water, heat, and communication service to
 12 the public by a municipal corporation in its
 13 proprietary capacity and does not apply to fees paid
 14 to cities and counties for the privilege of
 15 participating in any athletic sports.”
 16 2. Title page, line 2, by inserting after the
 17 word “facilities” the following: “and certain
 18 athletic sports fees paid to cities and counties”.

JIM LIND
 LARRY MURPHY

S-3889

1 Amend Senate File 523 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 “Section 1. NEW SECTION. 56.31 LIMITATIONS ON
 5 CONTRIBUTIONS.
 6 1. A candidate shall not accept contributions from
 7 a political committee or a candidate’s committee.
 8 2. A candidate shall not accept contributions from
 9 an individual which exceed seven hundred fifty dollars
 10 per year.
 11 Sec. 2. NEW SECTION. 56.32 RESTRICTIONS ON USE
 12 OF CAMPAIGN FUNDS.
 13 1. As used in this section:
 14 a. “Campaign funds” means contributions to a
 15 candidate or candidate’s committee which are required
 16 by this chapter to be deposited in a separate campaign
 17 account.
 18 b. “Legitimate campaign expense” means any of the
 19 following:
 20 (1) Radio, television, and newspaper advertising
 21 for the candidate.
 22 (2) Leaflets, fliers, buttons, and stickers for
 23 the candidate.
 24 (3) Staff salaries, fringe benefits, and
 25 applicable payroll taxes for the candidate’s campaign
 26 staff.
 27 (4) Travel expenses, lodging, and food for the
 28 candidate and the candidate’s campaign staff.
 29 (5) Travel expenses, lodging, and food for public
 30 officials who travel with the candidate in the

31 candidate's campaign.
 32 (6) Contributions to the candidate's committee of
 33 another candidate.
 34 (7) Contributions to a state or county statutory
 35 political committee.
 36 (8) Building costs, utilities, and maintenance for
 37 the candidate's campaign office.
 38 (9) Expenses of the office operations of the
 39 candidate's campaign, including printing and copying
 40 charges, postage costs, telephone charges, computer
 41 services, bank charges, election records, parking
 42 costs, and miscellaneous office supplies.
 43 (10) Payment for contract services for projects of
 44 the candidate, if the projects are for campaign
 45 purposes.
 46 (11) Expenses for volunteer activities, meeting
 47 costs, and fundraising costs in connection with the
 48 candidate's campaign.
 49 2. A candidate or candidate's committee shall not
 50 expend campaign funds for other than legitimate

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1 campaign expenses.
 2 3. A candidate's committee shall not make loans
 3 from moneys under its control except for political
 4 purposes.
 5 4. If an unexpended balance of campaign funds
 6 remains when a candidate ceases to be a candidate or
 7 the candidate's committee of the candidate ceases to
 8 function, the unexpended balance shall be used either
 9 for legitimate campaign expenses as enumerated in this
 10 section or donated to a charitable purpose.
 11 5. The commission shall adopt rules for the
 12 administration and enforcement of this section.
 13 Sec. 3. NEW SECTION. 56.33 CANDIDATE FOR
 14 LIEUTENANT GOVERNOR NOT CONSIDERED A SEPARATE
 15 CANDIDATE.
 16 For purposes of this chapter, a candidate for
 17 lieutenant governor shall not be considered a separate
 18 candidate, but shall be considered part of a team of
 19 candidates for governor and lieutenant governor. The
 20 commission shall adopt rules for the application of
 21 this section with respect to accounting, reporting,
 22 and other requirements and provisions of this
 23 chapter."

JACK RIFE
 JIM LIND

S-3890

- 1 Amend amendment, S-3889, to Senate File 523, as
- 2 follows:
- 3 1. Page 1, by striking lines 32 and 33.
- 4 2. By renumbering as necessary.

JIM LIND

S-3891

- 1 Amend amendment, S-3819, to House File 728, as
- 2 passed by the House, as follows:
- 3 1. Page 1, by striking lines 21 through 39, and
- 4 inserting the following:
- 5 "Sec. ____ . Notwithstanding section 445.39, for the
- 6 period of July 1, 1989, to June 30, 1991, if the first
- 7 installment of taxes is not paid by the delinquent
- 8 date specified in section 445.37, the installment
- 9 shall become due and draw interest, as a penalty, of
- 10 two percent per month until paid, from the delinquent
- 11 date following the levy, and if the last half is not
- 12 paid by April 1 following the levy, the same interest
- 13 shall be charged from the date the last half became
- 14 delinquent."

RICHARD VARN
BERL PRIEBE
ALVIN MILLERHOUSE AMENDMENT TO
SENATE FILE 141

S-3892

- 1 Amend Senate File 141, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 29 the
- 4 following:
- 5 "Sec. ____ . Section 20.4, subsection 2, unnumbered
- 6 paragraph 2, Code 1989, is amended to read as follows:
- 7 Supervisory employee means any individual having
- 8 authority in the interest of the public employer to
- 9 hire, transfer, suspend, layoff, recall, promote,
- 10 discharge, assign, reward or discipline other public
- 11 employees, or the responsibility to direct them, or to
- 12 adjust their grievances, or effectively to recommend

13 such action, if, in connection with the foregoing,
 14 exercise of such authority is not of a merely routine
 15 or clerical nature, but requires the use of
 16 independent judgment. All school superintendents,
 17 assistant superintendents, principals and assistant
 18 principals shall be deemed to be supervisory
 19 employees.

20 Sec. ____ . Section 20.11, subsections 4 and 5, Code
 21 1989, are amended to read as follows:

22 4. The board shall file its findings of fact and
 23 conclusions of law. If the board finds that the party
 24 accused has committed a prohibited practice, the board
 25 may, within thirty days of its decision, enter into a
 26 consent order with the party to discontinue the
 27 practice, or after the thirty days following the
 28 decision may petition the district court for
 29 injunctive relief pursuant to rules of civil procedure
 30 320 to 330.

31 5. ~~Any party aggrieved by any decision or order of~~
 32 ~~the board may within ten days from the date such~~
 33 ~~decision or order is filed, appeal therefrom to the~~
 34 ~~district court of the county in which the hearing was~~
 35 ~~held, by filing with the board a written notice of~~
 36 ~~appeal setting forth in general terms the decision~~
 37 ~~appealed from and the grounds of the appeal. The~~
 38 ~~board shall forthwith give notice to the other parties~~
 39 ~~in interest. The board's review of proposed decisions~~
 40 ~~and the rehearing or judicial review of final~~
 41 ~~decisions is governed by the provisions of chapter~~
 42 ~~17A.~~

43 Sec. ____ . Section 20.11, subsections 6, 7, 8, 9,
 44 10, and 11, Code 1989, are amended by striking the
 45 subsections.

46 Sec. ____ . Section 20.17, subsection 4, Code 1989,
 47 is amended to read as follows:

48 4. The terms of a proposed collective bargaining
 49 agreement shall be made available to the public by the
 50 public employer and reasonable notice shall be given

Page 2

1 to the public employees by the employee organization
 2 prior to a ratification election. The collective
 3 bargaining agreement shall become effective only if
 4 ratified by a majority of those voting by secret
 5 ballot.”

6 2. Page 5, by inserting after line 14 the
 7 following:

8 “Sec. ____ . Section 96.8, subsection 4, paragraph
 9 a, Code 1989, is amended to read as follows:

10 a. In any case in which the enterprise or business
11 of a subject employer has been sold or otherwise
12 transferred to a subsequent employing unit or
13 reorganized or merged into a single employing unit
14 under the provisions of section 96.7, subsection 3 2,
15 paragraph "b", the account of the transferring
16 employer shall terminate as of the date on which such
17 transfer, reorganization or merger was completed."

18 3. Page 6, line 9, by striking the figure
19 "162.8,".

20 4. Page 6, by inserting after line 10 the
21 following:

22 "Sec. ____ . Section 162.8, Code 1989, is amended to
23 read as follows:

24 162.8 COMMERCIAL BREEDER'S LICENSE.

25 A person shall not operate as a commercial breeder
26 unless the person has obtained a license issued by the
27 secretary or unless the person has obtained a
28 certificate of registration issued by the secretary if
29 the kennel is federally licensed. Application for the
30 license or the certificate shall be made in the manner
31 provided by the secretary. The annual license or the
32 certification period expires one year from date of
33 issue. The license fee is forty dollars per year and
34 the certificate fee is ~~five~~ twenty dollars per year.
35 The license may be renewed upon application and
36 payment of the prescribed fee in the manner provided
37 by the secretary if the licensee has conformed to all
38 statutory and regulatory requirements. The
39 certificate may be renewed upon application and
40 payment of the prescribed fee in the manner provided
41 by the secretary."

42 5. Page 16, by striking lines 7 through 16.

43 6. Page 31, by inserting after line 31 the
44 following:

45 "Sec. ____ . Section 474.1, unnumbered paragraph 3,
46 Code 1989, is amended to read as follows:

47 As used in this chapter and chapters 475A, 476,
48 476A, 478, ~~and~~ 479, and 479A, "division" and
49 "utilities division" mean the utilities division of
50 the department of commerce.

Page 3

1 Sec. ____ . Section 474.9, Code 1989, is amended to
2 read as follows:

3 474.9 GENERAL JURISDICTION OF UTILITIES BOARD.

4 The utilities board has general supervision of all
5 pipelines and all lines for the transmission, sale,
6 and distribution of electrical current for light,

7 heat, and power pursuant to chapters 476, 476A, 478,
8 ~~and~~ 479, and 479A, and has other duties as provided by
9 law.

10 Sec. ____ . Section 476.10, unnumbered paragraph 1,
11 Code 1989, is amended to read as follows:

12 When the board deems it necessary in order to carry
13 out the duties imposed upon it by this chapter for the
14 purpose of determining rate matters to investigate the
15 books, accounts, practices, and activities of, or make
16 appraisals of the property of any public utility, or
17 to render any engineering or accounting services to
18 any public utility, or to review the operations or
19 annual reports of the public utility under section
20 476.31 or 476.32, the public utility shall pay the
21 expense reasonably attributable to the investigation,
22 appraisal, service, or review. The board shall
23 ascertain the expenses including certified expenses
24 incurred by the consumer advocate division of the
25 department of justice directly chargeable to the
26 public utility under section 475A.6, and shall render
27 a bill; ~~by certified mail~~; to the public utility,
28 either at the conclusion of the investigation,
29 appraisal, services, or review, or from time to time
30 during its progress, which bill is notice of the
31 assessment and shall demand payment. The total amount
32 of such expense in any one calendar year, for which
33 any public utility shall become liable, shall not
34 exceed two-tenths of one percent of its gross
35 operating revenues derived from intrastate public
36 utility operations in the last preceding calendar
37 year.”

38 7. Page 32, by inserting after line 8 the
39 following:

40 “Sec. ____ . Section 537.2501, subsection 1,
41 paragraph f, as enacted by 1989 Iowa Acts, House File
42 552, section 2, is amended to read as follows:

43 f. With respect to open-end credit pursuant to a
44 credit card issued by the creditor which ~~entitles~~
45 ~~entitles~~ the cardholder to purchase or lease goods or
46 services from at least one hundred persons not related
47 to the card issuer, the parties may contract for an
48 over-limit charge not to exceed ten dollars if the
49 balance of the account exceeds the credit limit
50 established pursuant to the agreement. The over-limit

Page 4

1 charge under this paragraph shall not be assessed
2 again in a subsequent billing cycle unless in a
3 subsequent billing cycle the account balance has been

4 reduced below the credit limit.

5 If the differential treatment of this subsection
6 based on the number of persons honoring a credit card
7 is found to be unconstitutional, the parties may
8 contract for the over-limit charge as described in
9 this paragraph in any consumer credit transaction
10 pursuant to open-end credit, and the other conditions
11 relating to the over-limit charge shall remain in
12 effect.”

13 8. Page 32, by inserting after line 8 the fol-
14 lowing:

15 “Sec. ____ . Section 537.7103, subsection 3, para-
16 graph a, subparagraph (1), Code 1989, is amended to
17 read as follows:

18 (1) Notifying a debtor of the fact that the ~~debtor~~
19 debt collector may report a debt to a credit bureau or
20 engage an agent or an attorney for the purpose of
21 collecting the debt.”

22 9. Page 33, by inserting after line 6, the
23 following:

24 “Sec. ____ . Section 602.3105, Code 1989, is amended
25 to read as follows:

26 602.3105 APPLICATIONS.

27 Applications for certification shall be on forms
28 prescribed and furnished by the board and the board
29 shall not require that the application contain a
30 photograph of the applicant. An applicant shall not
31 be denied certification because of age, citizenship,
32 sex, race, religion, marital status, or national
33 origin although the application may require
34 citizenship information. The board may consider the
35 past felony record of an applicant only if the felony
36 conviction relates directly to the practice of
37 certified shorthand reporting. Character references
38 may be required, but shall not be obtained from
39 certified shorthand reporters.”

40 10. Page 33, by inserting after line 19 the
41 following:

42 “Sec. ____ . Section 602.3203, subsection 5, Code
43 1989, is amended to read as follows:

44 5. Conviction of a felony related to the practice
45 of shorthand reporting or conviction of a felony that
46 would affect the ability to practice shorthand
47 reporting. A copy of the record of conviction or plea
48 of guilty is conclusive evidence.”

49 11. Page 36, by inserting after line 20 the
50 following:

Page 5

1 "Sec. ____ . Section 730.5, subsection 2, Code 1989,
 2 is amended to read as follows:
 3 2. Except as provided in subsection 7, an employer
 4 shall not require or request employees or applicants
 5 for employment to submit to a drug test as a condition
 6 of employment, preemployment, promotion, or change in
 7 status of employment. An employer shall not request,
 8 require, or conduct random or blanket drug testing of
 9 employees. However, this section does not apply to
 10 preemployment drug tests authorized for peace officers
 11 or correctional officers of the state, or to drug
 12 tests required under federal ~~statutes~~ law, or to drug
 13 tests conducted pursuant to a nuclear regulatory
 14 commission policy statement, or to drug tests
 15 conducted to determine if an employee is ineligible to
 16 receive workers' compensation under section 85.16,
 17 subsection 2."
 18 12. By renumbering, relettering, or redesignating
 19 and correcting internal references as necessary.

S-3893

1 Amend amendment, S-3865, to House File 459, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 3, line 22, by inserting after the word
 5 "misdemeanor" the following: ", or a violation of
 6 chapter 321 or chapter 321J".
 7 2. Page 3, by inserting after line 23, the
 8 following:
 9 " ____ . Page 3, by inserting before line 13, the
 10 following:
 11 "Sec. ____ . Section 809.1, subsection 4, Code 1989,
 12 is amended by striking the subsection."
 13 3. By renumbering as necessary.

TOM MANN, Jr.

S-3894

1 Amend House amendment, S-3750, to Senate File 149,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

DIVISION S—3894A

- 4 1. Page 1, by striking lines 15 through 17, and
5 inserting the following:
6 “ ___ . Page 1, by striking lines 32 and 33, and
7 inserting the following: “~~seven and under sixteen~~
8 years of age by September 15 is of compulsory
9 attendance age, in proper physical and mental”.
- 10 ___ . Page 2, by inserting after line 14, the
11 following:
12 “Sec. ___ . NEW SECTION. 299.1A COMPULSORY
13 ATTENDANCE AGE.
14 A child who has reached the age of six and is under
15 sixteen years of age by September 15 is of compulsory
16 attendance age.
17 Sec. ___ . NEW SECTION. 299.1B COMPULSORY
18 ATTENDANCE AGE.
19 A child who has reached the age of six and is under
20 eighteen years of age by September 15 is of compulsory
21 attendance age.””
- 22 2. Page 1, by striking lines 25 through 33, and
23 inserting the following:
24 “ ___ . Page 3, by striking lines 21 and 22, and
25 inserting the following: “~~school over seven and under~~
26 sixteen years of age who is of compulsory attendance
27 age, the course of study pursued by”.
- 28 ___ . Page 3, by striking lines 33 and 34, and
29 inserting the following: “child who by ~~September 15~~
30 is over seven and under sixteen years of age is of
31 compulsory attendance age, who places the”.
- 32 ___ . Page 4, by striking lines 17 and 18 and
33 inserting the following: “~~seven and under sixteen~~
34 years of age by September 15 is of compulsory
35 attendance age, who is physically or mentally”.
- 36 ___ . Page 4, line 19, by inserting after the word
37 “school,” the following: “or whose presence in school
38 would be injurious to the health of other pupils.””

DIVISION S—3894B

- 39 3. By striking page 1, line 49, through page 2,
40 line 20, and inserting the following:
41 “ ___ . Page 7, line 9, by striking the words “has
42 reached the”.
- 43 ___ . Page 7, by striking line 10, and inserting
44 the following: “and under sixteen years of age is of
45 compulsory attendance age, who is”.

DIVISION S—3894A (cont'd.)

46 4. Page 2, by striking lines 29 through 33, and
 47 inserting the following:
 48 “___ . Page 8, by striking lines 14 and 15, and
 49 inserting the following: “~~seven and under sixteen~~
 50 ~~years of age who are of compulsory attendance age,~~ in

Page 2

DIVISION S—3894A (cont'd.)

1 their respective districts, the”.”
 2 5. Page 2, by striking lines 36 through 45.
 3 6. By striking page 3, line 48, through page 4,
 4 line 6, and inserting the following:
 5 “___ . Page 11, by inserting after line 5, the
 6 following:
 7 “Sec. ___ . Section 299.1A is repealed effective
 8 June 30, 1994.
 9 Sec. ___ . Section 299.1B takes effect July 1,
 10 1994.””

PAT DELUHERY
 LARRY MURPHY

S-3895

1 Amend the House amendment, S-3854, to Senate File
 2 363, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 4, line 48, by striking the words “one
 5 hundred” and inserting the following: “sixty”.
 6 2. Page 5, line 3, by striking the words “two
 7 hundred” and inserting the following: “one hundred
 8 sixty”.
 9 3. Page 5, by inserting after line 20 the
 10 following:
 11 “g. Addition of eighty medium security beds at the
 12 Clarinda corrections campus along with the upgrading
 13 of the campus kitchen, treatment areas, recreational
 14 areas, and the water delivery system.”

CALVIN O. HULTMAN

HOUSE AMENDMENT TO
SENATE FILE 272

S-3896

- 1 Amend Senate File 272, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 6, by inserting after the word
- 4 "insurer," the following: "except a county mutual
- 5 association that operates only within a given county
- 6 and counties contiguous to that county,".

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 477

S-3897

- 1 Amend the amendment, H-4038, to House File 477, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. By striking page 1, line 31, through page 2,
- 5 line 14, and inserting the following:
- 6 "___ . By striking page 8, line 6, through page 9,
- 7 line 1, and inserting the following:
- 8 "Sec. 12. Section 321G.7, Code 1989, is amended by
- 9 striking the section and inserting in lieu thereof the
- 10 following:
- 11 321G.7 FEES REMITTED TO COMMISSION -- APPRO-
- 12 PRIATION.
- 13 Within ten days after the end of each month, each
- 14 county recorder shall remit to the commission the all-
- 15 terrain vehicle and snowmobile fees collected by the
- 16 recorder during the previous month. Before January 10
- 17 of odd-numbered years, each recorder shall remit
- 18 unused license forms from the previous biennium to the
- 19 commission. Before January 10 of each year, each
- 20 recorder shall summarize the transactions of the
- 21 registration fees and penalties collected during the
- 22 previous year.
- 23 The department shall remit the fees to the
- 24 treasurer of state, who shall place the money in a
- 25 special conservation fund. The money is appropriated
- 26 to the department for the all-terrain vehicle and
- 27 snowmobile programs of the state. All-terrain vehicle
- 28 fees shall be used only for all-terrain vehicle
- 29 programs and snowmobile fees shall be used only for

30 snowmobile programs. Joint programs shall be
 31 supported from both types of fees on a usage basis.
 32 The all-terrain vehicle and snowmobile programs shall
 33 include grants, subgrants, contracts, or cost-sharing
 34 of all-terrain vehicle and snowmobile programs with
 35 political subdivisions or incorporated private
 36 organizations or both in accordance with rules adopted
 37 by the commission. All all-terrain vehicle programs
 38 using cost-sharing, grants, subgrants, or contracts
 39 shall establish and implement a safety instruction
 40 program either singly or in cooperation with other
 41 all-terrain vehicle programs. At least fifty percent
 42 of the special fund shall be available for political
 43 subdivisions or incorporated private organizations or
 44 both. Moneys from the special fund not used by the
 45 political subdivisions or incorporated private
 46 organizations or both shall remain in the all-terrain
 47 vehicle or snowmobile accounts. The department may
 48 use funds from these accounts for the administration
 49 of the all-terrain vehicle and snowmobile programs.””

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 522

S-3898

1 Amend the Senate amendment, H-4046, to House File
 2 522, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, by striking lines 31 through 44, and
 5 inserting the following:
 6 “Sec. 4. NEW SECTION. 69.14A FILLING VACANCY OF
 7 ELECTED COUNTY OFFICER.
 8 1. When a vacancy exists on the board of
 9 supervisors, the committee of county officers
 10 designated to fill the vacancy shall publish notice as
 11 provided in section 331.305 indicating the method,
 12 appointment or special election, by which the
 13 committee intends to fill the vacancy. If appointment
 14 is selected by the committee, the appointment may be
 15 made before publication of the notice, but the
 16 appointment shall be made within forty days after the
 17 vacancy occurs. However, if within fourteen days
 18 after the date of the notice or within fourteen days
 19 after the appointment is made, whichever date is
 20 later, a petition requesting a special election to
 21 fill the vacancy is filed with the county auditor, the

22 appointment is temporary and a special election shall
 23 be called as provided in subsection 3. The petition
 24 shall meet the requirements of section 331.306.

25 2. When a vacancy exists in an elected county
 26 office, the board of supervisors shall publish notice
 27 as provided in section 331.305 indicating the method,
 28 appointment or special election, by which the board
 29 intends to fill the vacancy. If appointment is
 30 selected by the board, the appointment may be made
 31 before publication of the notice, but the appointment
 32 shall be made within forty days after the vacancy
 33 occurs. However, if within fourteen days after the
 34 date of the notice or within fourteen days after the
 35 appointment is made, whichever date is later, a
 36 petition requesting a special election to fill the
 37 vacancy is filed with the county auditor, the
 38 appointment is temporary and a special election shall
 39 be called as provided in subsection 3. The petition
 40 shall meet the requirements of section 331.306.

41 3. The committee of county officers or board of
 42 supervisors as applicable may, on its own motion, or
 43 shall, upon receipt of a petition as provided in this
 44 section, call for a special election to fill the
 45 vacancy in lieu of appointment if section 69.13,
 46 subsection 2, does not apply. The committee or board
 47 shall order the special election at the earliest
 48 practicable date, but giving at least thirty days'
 49 notice of the election. A special election called
 50 under this section shall be held on a Tuesday and

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1 shall not be held on the same day as a school election
 2 within the county.”

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 373

S-3899

1 Amend the Senate amendment, H-4131, to House File
 2 373, as amended, passed, and reprinted by the House,
 3 as follows:

- 4 1. Page 1, by striking lines 7 through 45.
- 5 2. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 502

S-3900

1 Amend Senate File 502, as passed by the Senate, as
2 follows:
3 1. Page 8, by inserting after line 6, the
4 following:
5 "Sec. ____ . NEW SECTION. 493B.130 RECORDING OF
6 DOCUMENTS WITH COUNTY RECORDER.
7 A domestic corporation shall provide the secretary
8 of state with a copy of each document, except an
9 annual report which does not change the registered
10 office or registered agent of the corporation,
11 delivered by the corporation for filing with the
12 secretary of state. A registered agent who delivers
13 to the secretary of state for filing a statement
14 pursuant to section 493B.502, subsection 2, or files a
15 statement pursuant to section 493B.502, subsection 3,
16 shall provide a copy of the statement to the secretary
17 of state. A registered agent who delivers to the
18 secretary of state for filing a statement pursuant to
19 section 493B.503, subsection 1, shall provide an
20 additional copy pursuant to this section. If a
21 registered agent delivers for filing with the
22 secretary of state a statement changing the
23 operation's business address from one county to
24 another county or the corporation delivers for filing
25 with the secretary of state a statement changing its
26 registered office from one county to another county,
27 two copies of the statement shall be provided to the
28 secretary of state. The secretary of state shall
29 stamp the copy or copies provided by the corporation
30 or registered agent indicating receipt by the
31 secretary of state and shall send the copy or copies
32 to the county recorder. Upon receipt of the copy and
33 upon receipt of the recording fees due the county
34 recorder, the county recorder shall record and index
35 the copy and return the copy to the corporation or
36 registered agent who provided the copy.
37 Notwithstanding section 331.602, subsection 1,
38 original signatures and typed or printed names of
39 signatories are not required on the copy to be
40 recorded pursuant to this section. For purposes of
41 this section, "county recorder" means the county
42 recorder of the county in which the registered office
43 of the corporation is located as shown on the records

44 of the secretary of state, except that with respect to
45 a change of registered office changing the location of
46 the registered office from one county to another,
47 "county recorder" means the county recorder for the
48 county in which the registered office is located
49 before the change and the county recorder for the
50 county in which the registered office is located after

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1 the change."

2 2. Page 29, by inserting after line 33, the
3 following:

4 "Sec. ____ . **NEW SECTION.** 493B.624A POISON PILL
5 **DEFENSE AUTHORIZED.**

6 The terms and conditions of stock rights or options
7 issued by the corporation may include, without
8 limitation, restrictions, or conditions that preclude
9 or limit the exercise, transfer, or receipt of such
10 rights or options by a person, or group of persons,
11 owning or offering to acquire a specified number or
12 percentage of the outstanding common shares or other
13 securities of the corporation, or a transferee of the
14 offeror, or that invalidate or void such stock rights
15 or options held by an offeror or a transferee of the
16 offeror."

17 3. Page 84, by inserting after line 33, the
18 following:

19 "Sec. ____ . **NEW SECTION.** 493B.1108 CONSIDERATION
20 **OF COMMUNITY INTERESTS IN CONSIDERATION OF ACQUISITION**
21 **PROPOSALS.**

22 1. A director, in determining what is in the best
23 interest of the corporation when considering a tender
24 offer or proposal of acquisition, merger,
25 consolidation, or similar proposal, may consider any
26 or all of the following community interest factors, in
27 addition to consideration of the effects of any action
28 on shareholders:

29 a. The effects of the action on the corporation's
30 employees, suppliers, creditors, and customers.

31 b. The effects of the action on the communities in
32 which the corporation operates.

33 c. The long-term as well as short-term interests
34 of the corporation and its shareholders, including the
35 possibility that these interests may be best served by
36 the continued independence of the corporation.

37 2. If on the basis of the community interest
38 factors described in paragraph 1, the board of
39 directors determines that a proposal or offer to
40 acquire or merge the corporation is not in the best

41 interests of the corporation, it may reject the
42 proposal or offer. If the board of directors
43 determines to reject any such proposal or offer, the
44 board of directors has no obligation to facilitate, to
45 remove any barriers to, or to refrain from impeding,
46 the proposal or offer. Consideration of any or all of
47 the community interest factors is not a violation of
48 the business judgment rule or of any duty of the
49 director to the shareholders, or a group of
50 shareholders, even if the director reasonably

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1 determines that a community interest factor or factors
2 outweigh the financial or other benefits to the
3 corporation or a shareholder or group of
4 shareholders.”

5 4. Page 125, line 22, by inserting after the
6 figure “491,” the following: “or a telephone company
7 organized as a corporation under chapter 491
8 qualifying pursuant to an internal revenue service
9 letter ruling under I.R.C. § 501(c)(12) as a nonprofit
10 corporation entitled to distribute profits in a manner
11 similar to a chapter 499 corporation.”

12 5. Page 127, line 27, by inserting after the word
13 “corporation” the following: “was incorporated”.

14 6. Page 130, by inserting after line 15, the
15 following:

16 “Sec. ____ . NEW SECTION. 491.101A POISON PILL
17 DEFENSE AUTHORIZED.

18 The terms and conditions of stock rights or options
19 issued by the corporation may include, without
20 limitation, restrictions, or conditions that preclude
21 or limit the exercise, transfer, or receipt of such
22 rights or options by a person, or group of persons,
23 owning or offering to acquire a specified number or
24 percentage of the outstanding common shares or other
25 securities of the corporation, or a transferee of the
26 offeror, or that invalidate or void such stock rights
27 or options held by an offeror or a transferee of the
28 offeror.

29 Sec. ____ . NEW SECTION. 491.101B CONSIDERATION OF
30 COMMUNITY INTERESTS IN CONSIDERATION OF ACQUISITION
31 PROPOSALS.

32 1. A director, in determining what is in the best
33 interest of the corporation when considering a tender
34 offer or proposal of acquisition, merger,
35 consolidation, or similar proposal, may consider any
36 or all of the following community interest factors, in
37 addition to consideration of the effects of any action

38 on shareholders:

- 39 a. The effects of the action on the corporation's
40 employees, suppliers, creditors, and customers.
41 b. The effects of the action on the communities in
42 which the corporation operates.
43 c. The long-term as well as short-term interests
44 of the corporation and its shareholders, including the
45 possibility that these interests may be best served by
46 the continued independence of the corporation.
47 2. If on the basis of the community interest
48 factors described in paragraph 1, the board of
49 directors determines that a proposal or offer to
50 acquire or merge the corporation is not in the best

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1 interests of the corporation, it may reject the
2 proposal or offer. If the board of directors
3 determines to reject any such proposal or offer, the
4 board of directors has no obligation to facilitate, to
5 remove any barriers to, or to refrain from impeding,
6 the proposal or offer. Consideration of any or all of
7 the community interest factors is not a violation of
8 the business judgment rule or of any duty of the
9 director to the shareholders, or a group of
10 shareholders, even if the director reasonably
11 determines that a community interest factor or factors
12 outweigh the financial or other benefits to the
13 corporation or a shareholder or group of
14 shareholders.”

15 7. Page 130, by striking lines 16 through 35.

16 8. Page 131, by striking lines 1 through 20.

17 9. Page 134, by striking lines 24 through 28.

18 10. Page 137, by striking lines 6 through 10.

19 11. Title page, by striking lines 2 and 3 and
20 inserting the following: “including the filing of
21 corporate documents with county recorders”.

22 12. By renumbering, relettering, or redesignating
23 and correcting internal references as necessary.

S-3901

1 Amend the House amendment, S-3854, to Senate File
2 363, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 11, by inserting after line 7 the
5 following:

6 “ ____ . Page 19, by inserting after line 27 the

7 following:

8 "Sec. ____ . NEW SECTION. 905.13 COMPLIANCE WITH
9 BUILDING CODES.

10 The department of corrections shall comply with
11 local building regulations and zoning ordinances in
12 the construction, reconstruction, alteration,
13 conversion, repair, and use of buildings owned and
14 operated by the department as part of a community-
15 based correctional program."'''

RICHARD RUNNING

S-3902

1 Amend Seante File 535 as follows:

2 1. Page 19, by inserting after line 15, the
3 following:

4 "Sec. ____ . NEW SECTION. 249D.60 OLDER IOWANS
5 LEGISLATURE.

6 The department shall establish an older Iowans
7 legislature in coordination with the area agencies on
8 aging. The department shall adopt administrative
9 rules regarding the activities of the older Iowans
10 legislature. The rules shall provide for
11 reimbursement by the area agencies on aging of the
12 reasonable and necessary expenses of an elder Iowan
13 who is an elected representative to the older Iowans
14 legislature. Expenses incurred by a representative in
15 activities other than attendance at the older Iowans
16 legislature may be reimbursed upon the approval of the
17 director of the respective area agency on aging."

18 2. By renumbering as necessary.

RICHARD RUNNING

S-3903

1 Amend House amendment, S-3854, to Senate File 363,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 4, line 15, by striking the word "For"
5 and inserting the following: "To employ an
6 educational administrator and for".

7 2. Page 4, by inserting after line 19, the
8 following:

9 "As a condition, limitation, and qualification of
10 the appropriation made under this subsection, the
11 administrator shall determine which computer training

12 system meets the needs of the correctional program
13 clients to the greatest extent, and shall use such
14 system in the pilot project.
15 Upon request by the educational administrator, the
16 department of general services shall provide technical
17 assistance related to the evaluation, selection, and
18 use of computer hardware to be used in the pilot
19 project.
20 Upon request by the educational administrator, the
21 department of education shall provide technical
22 assistance related to the evaluation, selection, and
23 use of computer software and other educational
24 material to be used in the pilot project.
25 Funds appropriated under this subsection are not
26 subject to reversion under section 8.33.”

RICHARD VARN
DONALD V. DOYLE
BOB CARR

S-3904

1 Amend the House amendment, S-3854, to Senate File
2 363 as amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 6, by inserting after line 13, the
5 following:
6 “___ . Page 16, by inserting after line 10 the
7 following:
8 “Sec. ___ . Notwithstanding section 8.33,
9 unencumbered and unobligated funds remaining from the
10 appropriations made in sections 15 through 21 of this
11 Act shall not revert to the general fund of the state
12 until September 30, 1989.””

JIM RIORDAN
BERL E. PRIEBE

S-3905

1 Amend the House amendment, S-3854, to Senate File
2 363, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 2, by striking lines 33 through 43.
5 2. Page 2, by striking lines 48 through 50.
6 3. By striking page 4, line 41 through page 5,
7 line 26.
8 4. Page 5, line 27, by striking the word

- 9 "appropriated."
 10 5. Page 6, line 9, by striking the figure
 11 "500,000" and inserting the following: "500,000
 12 Notwithstanding section 8.39, funds appropriated
 13 under this section shall only be used for the purposes
 14 designated and are not subject to transfer."
 15 6. Page 6, by striking lines 30 and 31.
 16 7. Page 7, by inserting after line 14 the
 17 following:
 18 "Notwithstanding section 8.39, funds appropriated
 19 under this section shall only be used for the purposes
 20 designated and are not subject to transfer."

JOE J. WELSH

S-3906

- 1 Amend House File 758, as passed by the House, as
 2 follows:
 3 1. Page 2, by striking lines 30 and 31.
 4 2. Title page, line 8, by striking the word
 5 "rules;" and inserting the following: "rules."
 6 3. Title page, by striking lines 9 and 10.

COMMITTEE ON WAYS AND MEANS
 WILLIAM W. DIELEMAN, Chairperson

S-3907

- 1 Amend House File 620, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 21, by striking the word
 4 "persons" and inserting the following: "persons
 5 qualified electors".

BEVERLY A. HANNON

S-3908

- 1 Amend the House amendment, S-3854, to Senate File
 2 363, as amended, passed, and reprinted by the Senate,
 3 as follows:

DIVISION S--3908A

- 4 1. Page 2, by striking lines 33 through 43.

DIVISION S—3908B

5 2. Page 2, by striking lines 48 through 50.

DIVISION S—3908C

6 3. By striking page 4, line 41 through page 5,
7 line 26.

8 4. Page 5, line 27, by striking the word
9 "appropriated."

10 5. Page 6, line 9, by striking the figure
11 "500,000" and inserting the following: "500,000
12 Notwithstanding section 8.39, funds appropriated
13 under this section shall only be used for the purposes
14 designated and are not subject to transfer."

15 6. Page 6, by striking lines 28 through 31.

16 7. Page 7, by inserting after line 14 the
17 following:

18 "Notwithstanding section 8.39, funds appropriated
19 under this section shall only be used for the purposes
20 designated and are not subject to transfer."

JOE J. WELSH

S-3909

1 Amend House File 753, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 11, by inserting after line 8 the
4 following:

5 "Sixty percent of the environmental assessment fees
6 collected by the treasurer of state shall be deposited
7 in an account established in the waste volume
8 reduction and recycling fund and designated to be used
9 for waste abatement programs related to waste tires,
10 lead acid batteries, and waste oil for at least three
11 years or until such time as three million dollars has
12 been deposited in the account."

COMMITTEE ON WAYS AND MEANS
WILLIAM W. DIELEMAN, Chairperson

S-3910

1 Amend House File 703, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking page 2, line 7 through page 3,
4 line 20 and inserting the following:

- 5 "Sec. ____ . There is appropriated from the general
- 6 fund of the state to the revolving fund created in
- 7 section 15.287 for the fiscal year beginning July 1,
- 8 1989, and ending June 30, 1990, the following amount:
- 9 \$ 4,000,000".
- 10 2. Title page, by striking lines 1 through 3 and
- 11 inserting the following:
- 12 "An Act relating to the rural community 2000
- 13 program and making an appropriation."
- 14 3. By renumbering as necessary.

COMMITTEE ON WAYS AND MEANS
 WILLIAM W. DIELEMAN, Chairperson

S-3911

- 1 Amend the House amendment, S-3854, to Senate File
- 2 363 as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 4, line 20, by inserting after the word
- 5 "training" the following: "and development".
- 6 2. Page 4, by striking lines 21 and 22 and
- 7 inserting the following: "under contract to nonprofit
- 8 organizations for community-based correctional
- 9 clients:".
- 10 3. Page 4, by inserting after line 23, the
- 11 following:
- 12 "As a condition, limitation, and qualification of
- 13 the appropriation under this subsection, \$200,000
- 14 shall be used for a client development and job
- 15 training pilot project, \$120,000 shall be used for
- 16 contracting for services in the eighth judicial
- 17 district, and \$80,000 shall be used for contracting
- 18 for services in the seventh judicial district."

BOB M. CARR
 JOE J. WELSH
 DONALD V. DOYLE
 EUGENE FRAISE

S-3912

- 1 Amend the House amendment, S-3854, to Senate File
- 2 363 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 5, lines 38 and 39, by striking the word
- 5 and figures "June 30, 1989" and inserting the
- 6 following: "March 30, 1990".

EUGENE FRAISE

S-3913

- 1 Amend the House amendment, S-3754, to Senate File
- 2 449, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 18 through 26.

RAY TAYLOR

S-3914

- 1 Amend the House amendment, S-3854, to Senate File
- 2 363, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 6, by inserting after line 9, the
- 5 following:
- 6 "Notwithstanding section 8.33, unobligated and
- 7 unencumbered funds from moneys appropriated in this
- 8 section remaining on June 30, 1989, shall not revert
- 9 to the general fund of the state but shall remain
- 10 available for expenditure during the fiscal year
- 11 beginning July 1, 1989, for the same purpose."

RICHARD VARN

S-3915

- 1 Amend the House amendment, S-3854, to Senate File
- 2 363, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 6, by striking lines 39 through 49 and
- 5 inserting the following:
- 6 "— . Page 18, line 22, by inserting after the
- 7 word "purposes" the following: ", not to include
- 8 office space for legislators,".

JIM LIND
DALE L. TIEDEN
JULIA GENTLEMAN
MICHAEL E. GRONSTAL

S-3916

- 1 Amend Senate File 539 as follows:
- 2 1. Page 3, line 9, by striking the words "five

3 hundred”.

4 2. Page 3, line 11, by striking the word “ten”
5 and inserting the following: “eleven”.

CHARLES BRUNER

S-3917

1 Amend Senate File 538 as follows:

2 1. Page 12, line 26, by inserting after the word
3 “counties,” the following: “the center for health
4 services research of the university of Iowa,”.

5 2. Page 26, by striking line 22 and inserting the
6 following:

7 “To implement, in consultation with the center for
8 health services research of the university of Iowa, a
9 pilot program established in a rural hospital which”.

10 3. Page 26, by inserting after line 31 the fol-
11 lowing:

12 “It is the intent of the general assembly that the
13 aggregate payments to providers of services under the
14 pilot program shall not exceed the aggregate payments
15 that would have been made if the recipients had been
16 eligible for and received services pursuant to the
17 medical assistance program. It is the further intent
18 of the general assembly that the pilot program
19 established pursuant to this section shall not be
20 interpreted to create any entitlement to services on
21 behalf of any eligible individual except to the extent
22 that funding is available pursuant to this section.

23 It is also the intent of the general assembly that
24 the funds appropriated for the pilot program shall be
25 used by the rural hospital selected for additional
26 patient care and not for defraying other costs
27 including but not limited to capital expenditure costs
28 or costs of services which were rendered by the
29 hospital and for which the hospital has not been
30 reimbursed.”

JEAN LLOYD-JONES

S-3918

1 Amend Senate File 539 as follows:

2 1. Page 1, by striking lines 25 through 35.

JULIA GENTLEMAN

S-3919

- 1 Amend Senate File 542 as follows:
- 2 1. Page 3, line 14, by striking the words "to
- 3 agencies" and inserting the following: "agencies to".

JOE WELSH

S-3920

- 1 Amend Senate File 539 as follows:
- 2 1. Page 3, line 31, by striking the words "This
- 3 Act applies" and inserting the following: "Sections
- 4 1, 2, 4, 5, 6, 7, 8, and 9 of this Act apply".
- 5 3. Page 3, by inserting after line 32, the
- 6 following:
- 7 "Sec. 100. Section 3 of this Act takes effect
- 8 January 1, 1991, for tax years beginning on or after
- 9 that date."
- 10 3. Title page, by striking lines 3 through 4, and
- 11 inserting the following: "individual income tax and
- 12 providing certain effective and applicability dates."
- 13 4. By renumbering as necessary.

JIM LIND

S-3921

- 1 Amend the amendment, S-3865, to House File 459, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 3, by striking lines 21 and 22 and
- 5 inserting the following: "role in a violation of
- 6 chapter 321 or 321J, or in the commission of a
- 7 criminal offense which is classified as a simple or
- 8 serious misdemeanor and which did not involve a
- 9 firearm, electricity, explosives, commercial ventures,
- 10 or monetary gain."

TOM MANN, Jr.

S-3922

- 1 Amend Senate File 535 as follows:
- 2 1. Page 2, line 32, by striking the figure
- 3 "157,860" and inserting the following: "145,691".

4 2. Page 2, line 33, by striking the figure "6"
5 and inserting the following: "5.5".

JOE WELSH

S-3923

1 Amend House File 772, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 7, by inserting after line 11 the
4 following:
5 "___ . The department of corrections shall examine
6 the feasibility of providing asbestos removal services
7 through Iowa state industries and shall report the re-
8 sults of that examination, in addition to any
9 recommendations, to the chairpersons and ranking
10 members of the justice system appropriations
11 subcommittee and the legislative fiscal bureau on or
12 before January 15, 1990."
13 2. Renumber as necessary.

RAY TAYLOR

S-3924

1 Amend Senate File 539 as follows:
2 1. Page 1, line 31, by inserting after the word
3 "session" the following: ", but not to exceed the
4 amount received by members from Polk county.".

JULIA B. GENTLEMAN

S-3925

1 Amend Senate File 540 as follows:
2 1. Page 2, by striking lines 9 through 16 and
3 inserting the following:
4 "10. "Mental health professional" means an
5 individual who has all of the following
6 qualifications:
7 a. The individual holds at least a master's degree
8 in a mental health field, including but not limited
9 to, psychology, counseling and guidance, nursing, and
10 social work, or the individual is a physician.
11 b. The individual holds a current Iowa license if
12 practicing in a field covered by an Iowa licensure
13 law.

14 c. The individual has at least two years of post-
15 degree clinical experience, supervised by another
16 mental health professional, in assessing mental health
17 needs and problems and in providing appropriate mental
18 health services.”

19 2. Page 9, by striking lines 11 and 12 and
20 inserting the following:

21 “Judicial review of the action of the department
22 may be sought pursuant to the Iowa Administrative
23 Procedure Act, chapter 17A. Notwithstanding the Iowa
24 Administrative Procedure Act, a petition for judicial
25 review of the”.

CHARLES BRUNER

S-3926

1 Amend House File 745 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 3, line 10, by inserting after the figure
4 “321L.1” the following: “, or that a dependent,
5 handicapped person resides in the home of the owner of
6 the motor vehicle”.

JACK HESTER

S-3927

1 Amend Senate File 541 as follows:

2 1. Page 45, by inserting after line 14 the
3 following:

4 “Sec. ____ . STAFFING STUDY REQUESTED. The
5 legislative council is requested to establish an
6 interim study committee to assess staffing of the nine
7 state institutions operated by the department of human
8 services. The study committee shall develop specific
9 recommendations regarding staffing patterns and
10 personnel practices at each of the state institutions
11 for action by the general assembly and the department
12 of human services.

13 1. In appointing the membership of the study
14 committee, the legislative council shall consider
15 appointing experts in private sector management and
16 staffing analysis, representatives of large private
17 service providers, hospital administrators, and
18 employees of state institutions operated by the
19 department of human services.

20 2. The study committee shall review proposals

21 developed by interested parties, including the
 22 staffing study of the American federation of state,
 23 county, and municipal employees union presented to the
 24 human services appropriations subcommittee during the
 25 1989 session. The study committee shall interview
 26 staff at all levels of the various institutions,
 27 including members of the American federation of state,
 28 county, and municipal employees and Iowa united
 29 professionals unions, department of human services
 30 central office staff, and employees of the department
 31 of management and the department of personnel.
 32 3. It is the intent of the general assembly that
 33 the legislative council authorize not more than
 34 twenty-five thousand dollars to be used to retain
 35 private consulting services to assist the study
 36 committee. The legislative fiscal bureau shall
 37 provide primary staff support to the study committee.”
 38 2. By renumbering as necessary.

DON E. GETTINGS
 RICHARD RUNNING
 CHARLES BRUNER
 JOE WELSH

S-3928

1 Amend Senate File 541 as follows:
 2 1. Page 6, line 30, by striking the word
 3 “allocated” and inserting the following: “set-aside
 4 for the net additional expense to the state”.

CHARLES BRUNER

S-3929

1 Amend Senate File 537 as follows:
 2 1. Page 1, by striking lines 1 through 19.
 3 2. Page 1, by inserting before line 26, the
 4 following:
 5 “Sec. 100. Section 422.4, subsection 17, paragraph
 6 d, Code 1989, is amended by striking the paragraph.”
 7 3. Page 2, by striking lines 21 through 27.
 8 4. Page 6, by striking lines 9 and 10.
 9 5. Page 6, line 13, by striking the words “and 6”
 10 and inserting the following: “6, and 100”.
 11 6. By renumbering as necessary.

CALVIN O. HULTMAN
RICHARD F. DRAKE
JACK W. HESTER
LINN FUHRMAN
JACK RIFE
RICHARD VANDE HOEF
JOHN SOORHOLTZ
JIM LIND
JOHN JENSEN
JULIA GENTLEMAN
WILMER RENSINK
MARK R. HAGERLA
DALE L. TIEDEN
RAY TAYLOR
MAGGIE TINSMAN

S-3930

1 Amend Senate File 537 as follows:
2 1. Page 1, line 15, by striking the word "one-
3 fourth" and inserting the word "one-third".

CHARLES BRUNER

S-3931

1 Amend Senate File 537 as follows:
2 1. Page 2, by inserting after line 27 the
3 following:
4 "Sec. 30. Section 422.5, Code 1989, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 10. In the case of income derived
7 from the sale or exchange of livestock in excess of
8 the number the taxpayer would sell if the taxpayer
9 followed the taxpayer's usual business practices, a
10 taxpayer may elect to spread the income equally over
11 the four tax years following the tax year in which
12 such sale or exchange occurs if the taxpayer
13 establishes that, under the taxpayer's usual business
14 practices, the sale or exchange would not have
15 occurred in the taxable year in which it occurred if
16 it were not for drought conditions or other act of
17 God. This subsection shall apply only to a taxpayer
18 whose principal trade or business is farming, within
19 the meaning of section 6420(c)(3), of the Internal
20 Revenue Code."
21 2. Page 3, by inserting after line 22 the
22 following:

- 23 "d. The gain indicated in income for the tax year
 24 from the sale or exchange of livestock as described in
 25 section 422.5, subsection 10."
 26 3. Page 3, lines 23 and 24, by striking the words
 27 "and "c"" and inserting the following: ""c", and
 28 "d"".
 29 4. Page 6, line 13, by inserting after the word
 30 "Sections" the following: "30,".

BERL E. PRIEBE
 KEN SCOTT
 EMIL J. HUSAK
 JOHN A. PETERSON
 EUGENE FRAISE
 JOHN SOORHOLTZ
 JACK RIFE
 LEONARD BOSWELL
 DALE L. TIEDEN
 H. KAY HEDGE
 JOHN JENSEN
 RICHARD VANDE HOEF

S-3932

- 1 Amend Senate File 538 as follows:
 2 1. Page 26, line 30, by inserting after the word
 3 "Act" the following: "on the condition that state
 4 funds are not used for capital purposes, to supplant
 5 existing funding committed to another purpose, or to
 6 fulfill an existing commitment, and that the hospital
 7 agrees to provide the same amount of charity care
 8 after the program begins as it did before the program
 9 began".

MICHAEL E. GRONSTAL

S-3933

- 1 Amend Senate File 537 as follows:

DIVISION S—3933A

- 2 1. Page 2, by inserting after line 27, the
 3 following:
 4 "Sec. 100. Section 422.5, subsection 1, paragraph
 5 k, subparagraph (1), Code 1989, is amended to read as
 6 follows:
 7 (1) Add items of tax preference included in

8 federal alternative minimum taxable income under
9 section 57, except subsections (a)(1), (a)(2), and
10 (a)(5), of the Internal Revenue Code, make the
11 adjustments included in federal alternative minimum
12 taxable income under section 56, except subsections
13 (a)(4), (b)(1)(C)(iii), and (d), of the Internal
14 Revenue Code, ~~and~~ add losses as required by section 58
15 of the Internal Revenue Code, ~~and add the capital gain~~
16 deduction subtracted from net income in subsection 19
17 of section 422.7. In the case of an estate or trust,
18 the items of tax preference, adjustments, and losses
19 shall be apportioned between the estate or trust and
20 the beneficiaries in accordance with rules prescribed
21 by the director.”

22 2. Page 2, by inserting after line 27, the
23 following:

24 “Sec. 101. Section 422.7, Code 1989, is amended by
25 adding the following new subsection:
26 NEW SUBSECTION. 19. Subtract sixty percent of the
27 net capital gain as computed in section 1202 of the
28 Internal Revenue Code in effect for tax years
29 beginning in the 1986 calendar year. For purposes of
30 determining the amount to be subtracted, the net
31 capital gain shall not exceed one thousand eight
32 hundred dollars. Married taxpayers who elect separate
33 filing on a combined return for state tax purposes are
34 treated as one taxpayer and the amount of net capital
35 gain to be used to determine the total amount to be
36 subtracted by them shall not exceed one thousand eight
37 hundred dollars in the aggregate. Married taxpayers
38 who file jointly or separately on a combined return
39 shall prorate the one thousand eight hundred dollar
40 limitation between them based on the ratio of each
41 spouse's net capital gain to the total net capital
42 gain of both spouses. In the case of married
43 taxpayers filing separate returns, the amount of net
44 capital gain to be used to determine the amount to be
45 subtracted by each spouse shall not exceed nine
46 hundred dollars. Any income or loss resulting from
47 the forfeiture, transfer, or sale or exchange
48 described in section 422.7, subsection 17, shall not
49 be used in computing net capital gain for purposes of
50 this subsection.”

Page 2

DIVISION S—3933A (cont'd.)

1 3. By striking page 2, line 28 through page 5,
2 line 14 and inserting the following:

3 "Sec. 102. Section 422.9, subsection 6, Code 1989,
4 is amended by striking the subsection."

DIVISION S—3933B

5 4. Page 5, by inserting before line 15 the
6 following:

7 "Sec. 103. Section 422.12, subsection 2,
8 unnumbered paragraph 1, Code 1989, is amended to read
9 as follows:

10 A child and dependent care credit equal to ~~forty-~~
11 five fifty-five percent of the federal child and
12 dependent care credit provided in section 21 of the
13 Internal Revenue Code."

14 5. Page 5, by striking lines 15 through 30.

DIVISION S—3933A (cont'd.)

15 6. Page 6, line 13, by striking the figures and
16 word "4, 5, and 6" and inserting the following: "100,
17 101, 102, and 103".

DIVISION S—3933B (cont'd.)

18 7. Title page, lines 3 and 4, by striking the
19 words "providing an earned income" and inserting the
20 following: "increasing the child and dependent care".

21 8. By renumbering as necessary.

CALVIN O. HULTMAN
RICHARD F. DRAKE
LINN FUHRMAN
NORM GOODWIN
JIM LIND
PAUL PATE
JACK RIFE
RICHARD VANDE HOEF
JOHN SOORHOLTZ
JACK W. HESTER
JOHN W. JENSEN
JULIA GENTLEMAN
WILMER RENSINK
MARK R. HAGERLA
DALE L. TIEDEN
RAY TAYLOR
MAGGIE TINSMAN

S-3934

- 1 Amend Senate File 538 as follows:
- 2 1. Page 26, line 9, by striking the words
- 3 "government health care program" and inserting the
- 4 following: "public plan of health insurance".
- 5 2. Page 28, line 24, by striking the word
- 6 "training" and inserting the following: "equipping".

JOE WELSH

S-3935

- 1 Amend Senate File 541 as follows:
- 2 1. Page 8, by inserting after line 16 the
- 3 following:
- 4 "____. As a condition, qualification, and
- 5 limitation of the funds appropriated in this section,
- 6 the department shall reimburse an ambulance service
- 7 for transporting a medical assistance recipient from a
- 8 location other than a hospital to a hospital
- 9 regardless of a determination of medical necessity.
- 10 However, the department shall develop methods to
- 11 reduce recipient usage of ambulance services for
- 12 reasons other than medical necessity, including
- 13 notification of recipients who have received ambulance
- 14 services that were not considered to be a medical
- 15 necessity and ambulance services that have provided
- 16 such services.
- 17 2. By renumbering as necessary.

JIM LIND
CHARLES BRUNER

S-3936

- 1 Amend the amendment, S-3865, to House File 459, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 3, by striking lines 21 and 22 and
- 5 inserting the following: "role in a violation of
- 6 chapter 321 or 321J, or in the commission of a
- 7 criminal offense which is classified as a simple or
- 8 serious misdemeanor and which did not involve a
- 9 firearm, electricity, explosives, commercial ventures,
- 10 or monetary gain.""
- 11 2. Page 4, by inserting after line 12 the

12 following:

13 "____. Page 9, by inserting after line 31 the

14 following:

15 "Sec. 100. CLAIMS REGARDING CERTAIN FORFEITABLE
16 PROPERTY.

17 During the fiscal year beginning July 1, 1989, and
18 ending June 30, 1990, a claim may be filed against the
19 state pursuant to chapter 25 relating to forfeitable
20 real property which was seized by the state at any
21 time between July 1, 1986, through June 30, 1989, by a
22 person alleging any of the following:

23 1. That the person, who was not a party to the
24 alleged criminal activity, before becoming aware of
25 any criminal investigation and prior to the seizure of
26 the property, reported the alleged criminal activity
27 to the appropriate law enforcement agency.

28 2. That the person acted reasonably in attempting
29 to prevent or terminate the unlawful use of the
30 property.

31 3. That the person had no prior knowledge of the
32 criminal activity.

33 The claim may seek the return of forfeitable real
34 property still under the control of the state or may
35 seek damages based on the fair market value of the
36 forfeitable real property at the time of the seizure.

37 For the purposes of this section, "forfeitable real
38 property" means real property which had, or which was
39 intended to have had, a substantial role in the
40 commission of a criminal offense defined as a felony,
41 assault, or violation of chapter 109, 109A, 109B, 110,
42 110B, 204, or 204A, or section 724.4, or which had a
43 substantial role in an attempt to avoid detection of
44 or apprehension for such an offense."

45 3. Page 4, by striking lines 13 through 20 and
46 inserting the following:

47 "____. Page 9, by striking line 32 and inserting
48 the following:

49 "Sec. ____ . Except for forfeitable real property as
50 provided in section 100, this Act applies to any

Page 2

1 seizure or forfeiture".

2 4. By renumbering as necessary.

TOM MANN, Jr.

S-3937

1 Amend Senate File 538 as follows:

2 1. Page 26, by striking lines 22 and 23 and
3 inserting the following:

4 "For a pilot program or programs established in a
5 rural hospital or hospitals which serve a designated
6 multicounty area in northern Iowa and which do not
7 have immediate access to the university of Iowa
8 hospitals and clinics for the".

BERL E. PRIEBE

S-3938

1 Amend Senate File 535 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. There is appropriated from the general
5 fund of the state to the Iowa state civil rights
6 commission for the fiscal year beginning July 1, 1989,
7 and ending June 30, 1990, the following amount, or so
8 much thereof as is necessary, to be used for the
9 purposes designated:

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

13	.....	\$	869,430
14	.....	FTEs	36.32

15 Sec. 2. There is appropriated from the general
16 fund of the state to the department of human rights
17 for the fiscal year beginning July 1, 1989, and ending
18 June 30, 1990, the following amounts, or so much
19 thereof as is necessary, to be used for the purposes
20 designated:

21 1. CENTRAL ADMINISTRATION DIVISION

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

25	.....	\$	197,423
26	.....	FTEs	7.0

27 It is the intent of the general assembly that the
28 department continue the existence of the visitation
29 rights advisory committee composed of volunteer
30 members with expertise or interest in the area of
31 visitation rights.

32 2. SPANISH-SPEAKING PEOPLE DIVISION

33 For salaries, support, maintenance, miscellaneous

34 purposes, and for not more than the following full-
 35 time equivalent positions:
 36 \$ 60,371
 37 FTEs 1.5
 38 3. PERSONS WITH DISABILITIES DIVISION
 39 For salaries, support, maintenance, miscellaneous
 40 purposes, and for not more than the following full-
 41 time equivalent positions:
 42 \$ 185,613
 43 FTEs 4.0
 44 Of the funds appropriated in this subsection,
 45 \$50,000, or so much thereof as is necessary, shall be
 46 used for the expense of the advisory council on head
 47 injuries and for the salaries and expenses of the
 48 division of persons with disabilities in connection
 49 with the advisory council on head injuries. Of the
 50 \$50,000 appropriated, there is allocated an amount

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1 necessary to fund the central registry for brain
 2 injuries established pursuant to section 135.22.
 3 4. STATUS OF WOMEN DIVISION
 4 For salaries, support, maintenance, miscellaneous
 5 purposes, and for not more than the following full-
 6 time equivalent positions:
 7 \$ 329,455
 8 FTEs 4.0
 9 Of the funds appropriated under this subsection,
 10 \$50,000 shall be used to provide competitive grants to
 11 rape crisis centers. The division shall establish
 12 criteria for the application for and provision of
 13 grants, and a rape crisis center seeking a grant shall
 14 submit an application to the department for
 15 consideration. However, if House File 700, 1989 Acts,
 16 is enacted, the moneys and the grant program shall be
 17 transferred for administration by the division of
 18 victim assistance of the department of justice. If
 19 House File 700, 1989 Acts, is not enacted, the
 20 division shall retain the funds and the program.
 21 Of the funds appropriated under this subsection,
 22 \$120,000 shall be used to fund the displaced homemaker
 23 program.
 24 5. CHILDREN, YOUTH AND FAMILIES DIVISION
 25 For salaries, support, maintenance, miscellaneous
 26 purposes, and for not more than the following full-
 27 time equivalent positions:
 28 \$ 157,860
 29 FTEs 6.0
 30 Of the funds appropriated in this subsection, no

31 less than \$36,300 shall be spent for expenses relating
32 to the administration of federal funds for juvenile
33 assistance. It is the intent of the general assembly
34 that the department of human rights employ sufficient
35 staff to meet the federal funding match requirements
36 established by the federal office for juvenile justice
37 delinquency prevention. The governor's advisory
38 council on juvenile justice shall determine the
39 staffing level necessary to carry out federal and
40 state mandates for juvenile justice.

41 6. DEAF SERVICES DIVISION

42 For salaries, support, maintenance, miscellaneous
43 purposes, and for not more than the following full-
44 time equivalent positions:

45	.....	\$	261,932
46	.....	FTEs	10.0

47 The fees collected by the division for provision of
48 interpretation services by the division to obligated
49 agencies shall be dispersed pursuant to the provisions
50 of section 8.32, and shall be dedicated and used by

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1 the division for the provision of continued and
2 expanded interpretation services.

3 7. STATUS OF BLACKS DIVISION

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

7	.....	\$	65,991
8	.....	FTEs	1.5

9 8. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

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

13	.....	\$	215,392
14	.....	FTEs	7.0

15 The criminal and juvenile justice advisory council
16 and the juvenile justice advisory council of the
17 division of children, youth, and families shall
18 coordinate their efforts in carrying out their
19 respective duties relative to juvenile justice.

20 Sec. 3. There is appropriated from the general
21 fund of the state to the department for the blind for
22 the fiscal year beginning July 1, 1989, and ending
23 June 30, 1990, the following amount, or so much
24 thereof as is necessary, to be used for the purposes
25 designated:

26 For salaries, support, maintenance, miscellaneous
27 purposes, and for not more than the following full-

28 time equivalent positions:
 29 \$ 1,353,071
 30 FTEs 102.5
 31 Sec. 4. There is appropriated from the general
 32 fund of the state to the department of elder affairs
 33 for the fiscal year beginning July 1, 1989, and ending
 34 June 30, 1990, the following amounts, or so much
 35 thereof as is necessary, to be used for the purposes
 36 designated:
 37 1. For salaries, support, maintenance,
 38 miscellaneous purposes, and for not more than the
 39 following full-time equivalent positions:
 40 \$ 384,290
 41 FTEs 30.5
 42 It is the intent of the general assembly that the
 43 department employ an alternative housing coordinator
 44 and a long-term care coordinator as two of the full-
 45 time equivalent positions.
 46 It is the intent of the general assembly that the
 47 department continue the existence of the Alzheimer's
 48 disease task force to collect comprehensive
 49 information regarding the incidence and impact of
 50 Alzheimer's disease in Iowa; to determine the existing

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1 programs and mechanisms for dealing with dementing
 2 illness including a determination of barriers to
 3 access; to develop policy recommendations based upon
 4 the scope of the problem, review of relevant literary
 5 data regarding cost-effectiveness of care delivery,
 6 and the perceived needs to families of Alzheimer's
 7 disease victims; and to recommend policy for the
 8 enhancement of service delivery and training for
 9 families and caregivers through coordination of the
 10 increased utilization of existing resources related to
 11 the treatment and understanding of Alzheimer's disease
 12 victims. The members of the task force shall be
 13 reimbursed for actual and necessary expenses incurred
 14 by them in the discharge of their official duties.
 15 2. For the administration of area agencies on
 16 aging:
 17 \$ 234,000
 18 Of the funds appropriated under this subsection,
 19 \$120,000 shall be provided to fund support personnel
 20 for the long-term care resident's advocate and the
 21 care review committees at the local area agency on
 22 aging level. In order to receive funding, a local
 23 area agency on aging shall match the funds
 24 appropriated with funds from other sources on a

25 dollar-for-dollar basis.

26 3. For the retired Iowans community employment
27 program:

28 \$ 104,000

29 4. For the older Iowan's legislature:

30 \$ 13,000

31 5. For the retired seniors volunteer program:

32 \$ 34,500

33 Of the initial funds appropriated, \$12,500 shall be
34 used to establish the new retired seniors volunteer
35 program project. The remaining funds appropriated
36 under subsection 5 shall be divided equally among the
37 programs in existence as of July 1, 1989, and shall
38 not be used by the department for administrative
39 purposes.

40 Of the amount appropriated in this subsection,
41 following the initial expenditure of \$12,500 for the
42 establishment of one new retired seniors volunteer
43 program project, \$8,000 shall be used to increase the
44 amount of grant funds to be distributed among retired
45 seniors volunteer program projects.

46 6. For elderly services programs:

47 \$ 1,381,000

48 All funds appropriated under this subsection shall
49 be received and disbursed by the director of elder
50 affairs for the elderly services program, shall not be

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1 used for administrative purposes, and shall be used
2 for citizens of Iowa over sixty years of age for
3 chore, telephone reassurance, adult day care, and home
4 repair services, including the winterizing of homes,
5 and for the construction of entrance ramps which meet
6 the requirements of section 104A.4 and make residences
7 accessible to the physically handicapped. Funds
8 appropriated under this subsection may be used to
9 supplement federal funds under federal regulations.
10 Funds appropriated under this subsection may be used
11 for elderly services not specifically enumerated in
12 this subsection only if approved by an area agency for
13 provision of the service within the area.

14 Of the funds appropriated in this subsection,
15 \$150,000, or so much thereof as is necessary, are
16 allocated for a respite care program, administered by
17 the department of elder affairs.

18 For the fiscal year beginning July 1, 1989, area
19 agencies on aging shall expend no less than \$250,000
20 on adult day care programs.

21 7. For the Alzheimer's disease support program:

22 \$ 62,500

23 Sec. 5. There is appropriated from the general

24 fund of the state to the Iowa department of public

25 health for the fiscal year beginning July 1, 1989, and

26 ending June 30, 1990, the following amounts, or so

27 much thereof as is necessary, to be used for the

28 purposes designated:

29 1. CENTRAL ADMINISTRATION DIVISION

30 For salaries, support, maintenance, miscellaneous

31 purposes, and for not more than the following full-

32 time equivalent positions:

33 \$ 783,448

34 FTEs 54.0

35 2. HEALTH PLANNING DIVISION

36 For salaries, support, maintenance, miscellaneous

37 purposes, and for not more than the following full-

38 time equivalent positions:

39 \$ 1,186,648

40 FTEs 13.75

41 The department shall allocate from the funds

42 appropriated under this subsection \$780,000 for the

43 fiscal year beginning July 1, 1989, for the chronic

44 renal disease program. The types of assistance to

45 eligible recipients under the program may include

46 hospital and medical expenses, home dialysis supplies,

47 insurance premiums, travel expenses, prescription and

48 nonprescription drugs, and lodging expenses for

49 persons in training. The program expenditures shall

50 not exceed these allocations. If projected

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1 expenditures will exceed the allocations, the

2 department shall establish by administrative rule a

3 mechanism to reduce financial assistance under the

4 renal disease program in order to keep expenditures

5 within the allocations.

6 3. DISEASE PREVENTION DIVISION

7 a. For salaries, support, maintenance,

8 miscellaneous purposes, and for not more than the

9 following full-time equivalent positions:

10 \$ 1,979,290

11 FTEs 70.0

12 Of the funds appropriated under this subsection,

13 \$50,000 shall be used to provide competitive grants to

14 acquired immunodeficiency syndrome coalitions in Iowa.

15 b. For salaries, support, maintenance,

16 miscellaneous purposes, and for not more than the

17 following full-time equivalent positions:

18 \$ 1,006,090

19	.....	FTEs	4.0
20	It is the intent of the general assembly that the		
21	moneys appropriated under this paragraph shall be used		
22	for the training of emergency medical services		
23	personnel at the state, county, and local levels.		
24	If a person in the course of responding to an		
25	emergency renders aid to an injured person and becomes		
26	exposed to bodily fluids of the injured person, that		
27	emergency responder shall be entitled to hepatitis		
28	testing and immunization in accordance with the latest		
29	available medical technology to determine if infection		
30	with hepatitis has occurred. The person shall be		
31	entitled to reimbursement from the emergency provider		
32	fund only if the reimbursement is not available		
33	through any employer or third-party payor.		
34	4. PROFESSIONAL LICENSURE		
35	For salaries, support, maintenance, miscellaneous		
36	purposes, and for not more than the following full-		
37	time equivalent positions:		
38	.....	\$	595,044
39	.....	FTEs	13.5
40	5. STATE BOARD OF DENTAL EXAMINERS		
41	For salaries, support, maintenance, miscellaneous		
42	purposes, and for not more than the following full-		
43	time equivalent positions:		
44	.....	\$	194,003
45	.....	FTEs	4.0
46	6. STATE BOARD OF MEDICAL EXAMINERS		
47	For salaries, support, maintenance, miscellaneous		
48	purposes, and for not more than the following full-		
49	time equivalent positions:		
50	\$	898,373

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1	FTEs	19.0
2	7. STATE BOARD OF NURSING EXAMINERS		
3	For salaries, support, maintenance, miscellaneous		
4	purposes, and for not more than the following full-		
5	time equivalent positions:		
6	.....	\$	721,576
7	.....	FTEs	17.0
8	8. STATE BOARD OF PHARMACY EXAMINERS		
9	For salaries, support, maintenance, miscellaneous		
10	purposes, and for not more than the following full-		
11	time equivalent positions:		
12	.....	\$	554,667
13	.....	FTEs	12.0
14	Professional licensure pursuant to subsection 4 and		

15 the boards pursuant to subsections 5 through 8 shall
 16 prepare estimates of projected receipts to be
 17 generated by the licensing, certification, and
 18 examination fees of each board as well as a projection
 19 of the fairly apportioned administrative costs and
 20 rental expenses attributable to each board. Each
 21 board shall annually review and adjust its schedule of
 22 fees so that, as nearly as possible, projected
 23 receipts equal projected costs.

24 9. SUBSTANCE ABUSE DIVISION

25 a. For salaries, support, maintenance,
 26 miscellaneous purposes, and for not more than the
 27 following full-time equivalent positions:

28	\$	494,560
29	FTEs	14.0

30 b. For program grants:

31	\$	7,215,000
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32 For salaries, support, maintenance, miscellaneous
 33 purposes, and for not more than the following full-
 34 time equivalent positions for the governor's alliance
 35 on substance abuse:

36	.....	\$	47,340
37	.....	FTEs	5.0

38 10. HEALTH DATA COMMISSION

39 For the health data clearinghouse:

40	\$	375,000
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41 11. FAMILY AND COMMUNITY HEALTH DIVISION

42 a. For salaries, support, maintenance,
 43 miscellaneous purposes, and for not more than the
 44 following full-time equivalent positions:

45	.....	\$	2,306,000
46	.....	FTEs	78.1

47 The department shall allocate from the funds
 48 appropriated under this paragraph at least \$631,000
 49 for the fiscal year beginning July 1, 1989, and ending
 50 June 30, 1990, for the birth defects and genetics

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1 counseling program and of these funds, \$39,000 shall
 2 be allocated for a central birth defects registry
 3 program, and \$296,000 shall be allocated for regional
 4 genetic counseling services contracted from the
 5 university of Iowa hospitals and clinics under the
 6 control of the state board of regents.

7 Of the funds appropriated under this paragraph,
 8 \$49,000 shall be used for a lead abatement program.

9 Of the funds appropriated in this paragraph, the
 10 following amounts shall be allocated to the University
 11 of Iowa hospitals and clinics under the control of the

12 state board of regents for the following programs
 13 under the Iowa specialized child health care services:
 14 (1) Mobile and regional child health specialty
 15 clinics:
 16 \$ 387,911
 17 (2) Muscular dystrophy and related genetic disease
 18 programs:
 19 \$ 125,000
 20 (3) Statewide perinatal program:
 21 \$ 67,000

22 The birth defects and genetic counseling service
 23 shall apply a sliding fee scale to determine the
 24 amount a person receiving the services is required to
 25 pay for the services. These fees shall be considered
 26 repayment receipts and used for the program.

27 Of the funds allocated to the mobile and regional
 28 child health speciality clinics under subparagraph (1)
 29 of this paragraph, \$68,000 shall be used for a
 30 specialized medical home care program providing care
 31 planning and coordination of community support
 32 services for children who require technical medical
 33 care in the home.

34 The university of Iowa hospitals and clinics shall
 35 not receive indirect costs from the funds for each
 36 program.

37 The Iowa department of public health shall
 38 administer the statewide maternal and child health
 39 program and the crippled children's program by
 40 conducting mobile and regional child health specialty
 41 clinics and conducting other activities to improve the
 42 health of low-income women and children and to promote
 43 the welfare of children with actual or potential
 44 handicapping conditions and chronic illnesses in
 45 accordance with the requirements of Title V of the
 46 Social Security Act.

47 b. Sudden infant death syndrome autopsies.

48 For reimbursing counties for expenses resulting
 49 from autopsies of suspected victims of sudden infant
 50 death syndrome required under section 331.802,

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1 subsection 3, paragraph "j":
 2 \$ 13,000
 3 c. For grants to local boards of health for the
 4 public health nursing program:
 5 \$ 2,483,200

6 Funds appropriated under this paragraph shall be
 7 used to maintain and expand the existing public health
 8 nursing program for elderly and low-income persons

9 with the objective of preventing or reducing
10 inappropriate institutionalization. The funds shall
11 not be used for any other purpose. As used in this
12 paragraph, "elderly person" means a person who is
13 sixty years of age or older and "low-income person"
14 means a person whose income and resources are below
15 the guidelines established by the department.

16 One-fourth of the total amount to be allocated
17 shall be divided so that an equal amount is available
18 for use in each county in the state. Three-fourths of
19 the total amount to be allocated shall be divided so
20 that the share available for use in each county is
21 proportionate to the number of elderly and low-income
22 persons living in that county in relation to the total
23 number of elderly and low-income persons living in the
24 state.

25 In order to receive allocations under this
26 paragraph, the local board of health having
27 jurisdiction shall prepare a proposal for the use of
28 the allocated funds available for that jurisdiction
29 that will provide the maximum benefits of expanded
30 public health nursing care to elderly and low-income
31 persons in the jurisdiction. After approval of the
32 proposal by the department, the department shall enter
33 into a contract with the local board of health. The
34 local board of health shall subcontract with a
35 nonprofit nurses' association, an independent
36 nonprofit agency, or a suitable local governmental
37 body to use the allocated funds to provide public
38 health nursing care. Local boards of health shall
39 make an effort to prevent duplication of services.

40 If by July 30 of each fiscal year, the department
41 is unable to conclude contracts for use of the
42 allocated funds in a county, the department shall
43 consider the unused funds appropriated under this
44 paragraph an unallocated pool. If the unallocated
45 pool is \$50,000 or more it shall be reallocated to the
46 counties in substantially the same manner as the
47 original allocations. The reallocated funds are
48 available for use in those counties during the period
49 beginning January 1 and ending June 30 of each fiscal
50 year. If the unallocated pool is less than \$50,000,

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1 the department may allocate it to counties with
2 demonstrated special needs for public health nursing.
3 The department shall maintain rules governing the
4 expenditure of funds appropriated by paragraph "d".
5 The rules require each local agency receiving funds to

6 establish and use a sliding fee scale for those
7 persons able to pay for all or a portion of the cost
8 of the care.

9 The department shall annually evaluate the success
10 of the public health nursing program. The evaluation
11 shall include the extent to which the program reduced
12 or prevented inappropriate institutionalization, the
13 extent to which the program increased the availability
14 of public health nursing care to elderly and low-
15 income persons, and the extent of public health
16 nursing care provided to elderly and low-income
17 persons. The department shall submit a report of each
18 annual evaluation to the governor and the general
19 assembly.

20 d. For grants to county boards of supervisors for
21 the homemaker-home health aide program:

22 \$ 8,290,057

23 Funds appropriated under this paragraph shall be
24 used to provide homemaker-home health aide services
25 with emphasis on services to elderly and persons below
26 the poverty level and children and adults in need of
27 protective services with the objective of preventing
28 or reducing inappropriate institutionalization. In
29 addition, up to fifteen percent of the funds
30 appropriated under this paragraph may be used to
31 provide chore services. The funds shall not be used
32 for any other purposes. As used in this paragraph:

33 (1) "Chore services" means services provided to
34 individuals or families, who, due to absence,
35 incapacity, or illness, are unable to perform certain
36 home maintenance functions. The services include but
37 are not limited to yard work such as mowing lawns,
38 raking leaves, and shoveling walks; window and door
39 maintenance such as hanging screen windows and doors,
40 replacing window panes, and washing windows; and minor
41 repairs to walls, floors, stairs, railings, and
42 handles. It also includes heavy house cleaning which
43 includes cleaning attics or basements to remove fire
44 hazards, moving heavy furniture, extensive wall
45 washing, floor care or painting, and trash removal.

46 (2) "Elderly person" means a person who is sixty
47 years of age or older.
48 (3) "Homemaker-home health aide services" means
49 services intended to enhance the capacity of household
50 members to attain or maintain the independence of the

1 household members and provided by trained and
2 supervised workers to individuals or families, who,

3 due to the absence, incapacity, or limitations of the
4 usual homemaker, are experiencing stress or crisis.
5 The services include but are not limited to essential
6 shopping, housekeeping, meal preparation, child care,
7 respite care, money management and consumer education,
8 family management, personal services, transportation
9 and providing information, assistance, and household
10 management.

11 (4) "Low-income person" means a person whose
12 income and resources are below the guidelines
13 established by the department.

14 (5) "Protective services" means those homemaker-
15 home health aide services intended to stabilize a
16 child's or an adult's residential environment and
17 relationships with relatives, caretakers, and other
18 persons or household members in order to alleviate a
19 situation involving abuse or neglect or to otherwise
20 protect the child or adult from a threat of abuse or
21 neglect.

22 The amount appropriated under this paragraph shall
23 be allocated for use in the counties of the state.

24 Fifteen percent of the amount shall be divided so that
25 an equal amount is available for use in each county in
26 the state. The following percentages of the remaining
27 amount shall be allocated to each county according to
28 that county's proportion of residents with the
29 following demographic characteristics: sixty percent
30 according to the number of elderly persons living in
31 the county; twenty percent according to the number of
32 persons below the poverty level living in the county;
33 and twenty percent according to the number of
34 substantiated cases of child abuse in the county
35 during the three most recent fiscal years for which
36 data is available.

37 In order to receive allocations under this
38 paragraph, the county board of supervisors, after
39 consultation with the local boards of health, county
40 board of social welfare, area agency on aging advisory
41 council, local office of the department of human
42 services, and other in-home health care provider
43 agencies in the jurisdiction, shall prepare a proposal
44 for the use of the allocated funds available for that
45 jurisdiction that will provide the maximum benefits of
46 homemaker-home health aide services to elderly and
47 low-income persons and children and adults in need of
48 protective services in the jurisdiction. The proposal
49 may provide that a maximum of fifteen percent of the
50 allocated funds will be used to provide chore

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1 services. The proposal shall include a statement
2 assuring that children and adults in need of
3 protective services are given priority for homemaker-
4 home health aide services and that the appropriate
5 local agencies have participated in the planning for
6 the proposal. After approval of the proposal by the
7 department, the department shall enter into a contract
8 with the county board of supervisors or a governmental
9 body designated by the county board of supervisors.
10 The county board of supervisors or its designee shall
11 subcontract with a nonprofit nurses' association, an
12 independent nonprofit agency, the department of human
13 services, or a suitable local governmental body to use
14 the allocated funds to provide homemaker-home health
15 aide services and chore services providing that the
16 subcontract requires any service provided away from
17 the home to be documented in a report available for
18 review by the department, and that each homemaker-home
19 health aide subcontracting agency shall maintain the
20 direct service workers' time assigned to direct client
21 service at seventy percent or more of the workers'
22 paid time and that no more than thirty-five percent of
23 the total cost of the service be in the combined costs
24 for service administration and agency administration.
25 The subcontract shall require that each homemaker-home
26 health aide subcontracting agency shall pay the
27 employer's contribution of Social Security and provide
28 workers' compensation coverage for persons providing
29 direct homemaker-home health aide service and meet any
30 other applicable legal requirements of an
31 employer/employee relationship.
32 If by July 30 of each fiscal year, the department
33 is unable to conclude contracts for use of the
34 allocated funds in a county, the department shall
35 consider the unused funds appropriated under this
36 paragraph an unallocated pool. The department shall
37 also identify any allocated funds which the counties
38 do not anticipate spending during each fiscal year.
39 If the anticipated excess funds to any county are
40 substantial, the department and the county may agree
41 to return those excess funds, if the funds are other
42 than program revenues, to the department, and if
43 returned, the department shall consider the returned
44 funds a part of the unallocated pool. The department
45 shall prior to February 15 of each fiscal year,
46 reallocate the funds in the unallocated pool among the
47 counties in which the department has concluded
48 contracts under this paragraph. The department shall

49 also review the first ten months' expenditures for
50 each county in May of each year, to determine if any

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1 counties have contracted funds which they do not
2 anticipate spending. If such funds are identified and
3 the county agrees to release the funds, the released
4 funds will be considered a new reallocation pool. The
5 department may, prior to June 1 of each year,
6 reallocate funds from this new reallocation pool to
7 those counties which have experienced a high
8 utilization of protective service hours for children
9 and dependent adults.

10 The department shall maintain rules governing the
11 expenditure of funds appropriated by this paragraph.
12 The rules require each local agency receiving funds to
13 establish and use a sliding fee scale for those
14 persons able to pay for all or a portion of the cost
15 of the services and shall require the payments to be
16 applied to the cost of the services. The department
17 shall also maintain rules for standards regarding
18 training, supervision, recordkeeping, appeals, program
19 evaluation, cost analysis, and financial audits, and
20 rules specifying reporting requirements.

21 The department shall annually evaluate the success
22 of the homemaker-home health aide program. The
23 evaluation shall include a description of the program
24 and its implementation, the extent of local
25 participation, the extent to which the program reduced
26 or prevented inappropriate institutionalization, the
27 extent to which the program provided or increased the
28 availability of homemaker-home health aide services to
29 elderly and low-income persons and children and adults
30 in need of protective services, any problems and
31 recommendations concerning the program, and an
32 analysis of the costs of services across the state.

33 The department shall submit a report of the annual
34 evaluation to the governor and the general assembly.

35 e. For the development and maintenance of well-
36 elderly clinics in the state:

37 \$ 655,000

38 Appropriations made in this paragraph shall be
39 provided to well-elderly clinics by a formula
40 prioritizing clinics located in counties which provide
41 funding on a matching basis for the well-elderly
42 clinics.

43 f. For the decentralized indigent obstetrical
44 patient program for salaries, support, maintenance,
45 miscellaneous purposes, and for not more than the

46 following full-time equivalent positions:

47	.....	\$	770,784
48	.....	FTEs	1.0

49 It is the intent of the general assembly that a
50 person certified under chapter 255A, who is not

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1 included in the patient quota for which care is
2 provided at the university hospitals, but who gives
3 birth or receives obstetrical care at the university
4 hospitals, shall receive payment for care through the
5 funds available under chapter 255 and the moneys not
6 expended for the person certified under chapter 255A
7 shall be available for use by the county of residence
8 of the person certified.

9 It is also the intent of the general assembly that
10 if delivery costs for persons certified under chapter
11 255A are less than \$2,100, the excess moneys shall
12 revert to a fund for reallocation under chapter 255A
13 in accordance with the allowable reimbursement level
14 established and in accordance with the patient quota
15 formula.

16 Appropriations made in this paragraph shall be
17 provided in accordance with the county patient quota
18 formula established. The costs of provision of
19 services to indigent obstetrical patients not provided
20 services locally that are provided services at the
21 university hospital shall be paid from the
22 appropriation for the support of the hospital.

23 Sec. 6. There is appropriated from the separate
24 fund created under section 321J.17 to the family and
25 community health division of the Iowa department of
26 public health for the fiscal year beginning July 1,
27 1989, and ending June 30, 1990, the amount of
28 \$101,000, or so much thereof as is necessary, to pay
29 the costs of medical examinations in crimes of sexual
30 abuse and of treatments for prevention of venereal
31 disease as required by section 709.10.

32 Sec. 7. The licensing boards for which general
33 fund appropriations have been provided in section 5,
34 subsections 4, 5, 6, 7, and 8 of this Act may expend
35 additional funds, if those additional expenditures are
36 directly the cause of actual examination expenses
37 exceeding funds budgeted for examinations. Before a
38 licensing board included in section 5, subsections 4,
39 5, 6, 7, and 8 of this Act expends or encumbers an
40 amount in excess of the funds budgeted for
41 examinations, the director of the department of

42 management shall approve the expenditure or
43 encumbrance. Before approval is given, the department
44 of management shall determine that the examination
45 expenses exceed the funds budgeted by the general
46 assembly to the board and the board does not have
47 other funds from which examination expenses can be
48 paid. Upon approval of the department of management
49 the licensing board may expend and encumber funds for
50 excess examination expenses. The amounts necessary to

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1 fund the excess examination expenses shall be
2 collected as fees from additional examination
3 applicants and shall be treated as repayment receipts
4 as defined in section 8.2, subsection 5.
5 Sec. 8. All federal grants to and federal receipts
6 of the agencies appropriated funds under this division
7 of this Act are appropriated for the purposes set
8 forth in the federal grants or receipts unless
9 otherwise provided by the general assembly. Full-time
10 equivalent positions funded entirely with federal
11 funds are exempt from the limits on the number of
12 full-time equivalent positions provided in this
13 division of this Act, but are approved only for the
14 period of time for which the federal funds are
15 available for the position.
16 Sec. 9. 1988 Iowa Acts, chapter 1277, section 7,
17 is amended to read as follows:
18 SEC. 7. There is appropriated from the separate
19 fund created under section 601K.117 to the division of
20 deaf services of the department of human rights for
21 the fiscal year beginning July 1, 1988, and ending
22 June 30, 1989, the amount of fifty thousand (50,000)
23 dollars, or so much thereof as is necessary, to be
24 used for the funding of interpretation services
25 provided by the division. If the moneys generated for
26 deposit in the separate fund created under section
27 601K.117 are less than fifty thousand (50,000)
28 dollars, an amount which is the difference between
29 fifty thousand dollars and the amount generated for
30 deposit in the fund shall be appropriated from the
31 general fund of the state to the division of deaf
32 services of the department of human rights for the
33 year beginning July 1, 1988, and ending June 30, 1989.
34 Four thousand (4,000) dollars of the moneys
35 appropriated under this section shall be used for the
36 payment of interpretation services contracted by the
37 division of deaf services for the fiscal period
38 beginning July 1, 1988, and ending June 30, 1989. Any

39 balance in the fund on June 30, 1989, or June 30 of a
40 succeeding fiscal year shall remain in the fund.
41 Sec. 10. NEW SECTION. 135.22 CENTRAL REGISTRY
42 FOR BRAIN INJURIES.
43 1. As used in this section, section 225C.23, and
44 section 601K.83, "brain injury" means clinically
45 evident brain damage or spinal cord injury resulting
46 directly or indirectly from trauma, infection, anoxia,
47 or vascular lesions not primarily related to
48 degenerative or aging processes, which temporarily or
49 permanently impairs a person's physical or cognitive
50 functions.

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1 2. The director shall establish and maintain a
2 central registry of persons with brain injuries in
3 order to facilitate the provision of appropriate
4 rehabilitative services to the persons by the
5 department and other state agencies. For a patient
6 who is not admitted to a hospital but is treated in a
7 physician's office, physicians shall report a brain
8 injury to the director within seven days after
9 identification of the person sustaining a brain
10 injury. Hospitals shall report a brain injury to the
11 director no later than forty-five days after the close
12 of a quarter in which the patient was discharged. The
13 report shall contain the name, age and residence of
14 the person, the date, type, and cause of the brain
15 injury, and additional information as the director
16 requires, except that where available, physicians and
17 hospitals shall report the Glasgow coma scale. The
18 director shall consult with health care providers
19 concerning the availability of additional relevant
20 information. The department shall maintain the
21 confidentiality of all information which would
22 identify any person named in a report. However, the
23 identifying information may be released for bona fide
24 research purposes if the confidentiality of the
25 identifying information is maintained by the
26 researchers, or the identifying information may be
27 released by the person with the brain injury or by the
28 person's guardian or, if the person is a minor, by the
29 person's parent or guardian.
30 Sec. 11. NEW SECTION. 601K.83 ADVISORY COUNCIL
31 ON HEAD INJURIES.
32 1. For purposes of this section, unless the
33 context otherwise requires:
34 a. "Head injury" means "brain injury" as defined
35 in section 135.22.

36 b. "Council" means the advisory council on head
37 injuries.

38 2. The advisory council on head injuries is
39 established. The following persons or their designees
40 shall serve as ex officio, nonvoting members of the
41 council:

42 a. The director of public health.

43 b. The director of human services and any division
44 administrators of the department of human services so
45 assigned by the director.

46 c. The director of the department of education.

47 d. The chief of the special education bureau of
48 the department of education.

49 e. The administrator of the division of vocational
50 rehabilitation of the department of education.

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1 f. The director of the department for the blind.

2 g. The commissioner of insurance.

3 3. The council shall be composed of a minimum of
4 nine members appointed by the governor in addition to
5 the ex officio members, and the governor may appoint
6 additional members. Insofar as practicable, the
7 council shall include persons with head injuries,
8 family members of persons with head injuries,
9 representatives of industry, labor, business, and
10 agriculture, representatives of federal, state, and
11 local government, and representatives of religious,
12 charitable, fraternal, civic, educational, medical,
13 legal, veteran, welfare, and other professional groups
14 and organizations. Members shall be appointed
15 representing every geographic and employment area of
16 the state and shall include members of both sexes.

17 4. Members of the council appointed by the
18 governor shall be appointed for terms of two years.
19 Vacancies on the council shall be filled for the
20 remainder of the term of the original appointment.
21 Members whose terms expire may be reappointed.

22 5. The members of the council shall appoint a
23 chairperson and a vice chairperson and other officers
24 as the council deems necessary. The officers shall
25 serve until their successors are appointed and
26 qualified. Members of the council shall receive
27 actual expenses for their services. Members may also
28 be eligible to receive compensation as provided in
29 section 7E.6. The council shall adopt rules pursuant
30 to chapter 17A.

31 6. The council shall:

32 a. Promote meetings and programs for the

33 discussion of methods to reduce the debilitating
34 effects of head injuries, and disseminate information
35 in cooperation with any other department, agency, or
36 entity on the prevention, evaluation, care, treatment,
37 and rehabilitation of persons affected by head
38 injuries.

39 b. Study and review current prevention,
40 evaluation, care, treatment, and rehabilitation
41 technologies and recommend appropriate preparation,
42 training, retraining, and distribution of manpower and
43 resources in the provision of services to persons with
44 head injuries through private and public residential
45 facilities, day programs, and other specialized
46 services.

47 c. Participate in developing and disseminating
48 criteria and standards which may be required for
49 future funding or licensing of facilities, day
50 programs, and other specialized services for persons

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1 with head injuries in this state.

2 d. Make recommendations to the governor for
3 developing and administering a state plan to provide
4 services for persons with head injuries.

5 e. Meet at least quarterly.

6 f. Report on or before February 15 of each year to
7 the governor and the general assembly on council
8 activities, and submit recommendations believed
9 necessary to promote the welfare of persons with head
10 injuries.

11 7. The council is assigned to the division for
12 administrative purposes. The administrator shall be
13 responsible for budgeting, program coordination, and
14 related management functions.

15 8. The council may receive gifts, grants, or
16 donations made for any of the purposes of its programs
17 and disburse and administer them in accordance with
18 their terms and under the direction of the
19 administrator.

20 Sec. 12. Section 601K.117, Code 1989, is amended
21 to read as follows:

22 **601K.117 INTERPRETATION SERVICES FUND.**

23 All fees collected by the division for provision of
24 interpretation service by the division to obligated
25 agencies shall be transmitted to the treasurer of the
26 state ~~who shall deposit the money in a separate fund~~
27 to be dedicated to and used by the division for the
28 provision of continued and expanded interpretation
29 services. The commission shall adopt rules which

30 establish a fee schedule for the costs of provision of
 31 interpretation services, for collection of the fees,
 32 and for disposition of moneys received under this
 33 section. Any balance in the general fund at the
 34 conclusion of any fiscal year, of moneys dedicated for
 35 the purpose of the provision and expansion of
 36 interpretation services, shall be retained in the
 37 general fund for this purpose.
 38 Sec. 13. Section 225C.22, Code 1989, is repealed.”

AL STURGEON

S-3939

- 1 Amend Senate File 538 as follows:
- 2 1. By striking page 24, line 28 through page 25,
- 3 line 3, and inserting the following: “shall be used
- 4 to provide a grant to support and promote programs
- 5 relating to farm safety for children.”

JIM RIORDAN
 JOE WELSH
 JIM LIND

S-3940

- 1 Amend Senate File 541 as follows:
- 2 1. Page 4, line 14, by striking the figure
- 3 “182,060,700” and inserting the following:
- 4 “183,060,700”.
- 5 2. Page 40, by striking lines 6 through 9 and in-
- 6 serting the following:
- 7 “1. For the fiscal year”.
- 8 3. Page 42, by striking lines 6 through 27.
- 9 4. Page 43, by striking lines 1 through 23.
- 10 5. By renumbering as necessary.

R. J. VARN
 RICHARD F. DRAKE
 RICHARD V. RUNNING
 TOM MANN
 JEAN LLOYD-JONES
 LINN FUHRMAN

S-3941

- 1 Amend Senate File 541 as follows:

- 2 1. Page 31, by striking lines 6 through 8 and
- 3 inserting the following:
- 4 "For the family support subsidy program:"
- 5 2. Page 31, by striking lines 14 through 17.

CHARLES BRUNER

S-3942

- 1 Amend Senate File 541 as follows:
- 2 1. By striking page 3, line 32, through page 4,
- 3 line 4.

JOE WELSH

S-3943

- 1 Amend Senate File 538 as follows:
- 2 1. Page 22, by inserting after line 26 the
- 3 following:
- 4 " FTEs 2.0"

CHARLES BRUNER

S-3944

- 1 Amend Senate File 538 as follows:
- 2 1. Page 15, by striking lines 5 through 7 and
- 3 inserting the following:
- 4 "d. Make recommendations to the department and
- 5 obtain the advice of the hospital licensing board in
- 6 developing a medical assistance facility".
- 7 2. Page 16, by striking lines 15 through 21 and
- 8 inserting the following:
- 9 "NEW SUBSECTION. 9. The director shall, in
- 10 cooperation with the office of rural health, seek
- 11 federal waivers and take additional actions which
- 12 allow continued reimbursement through payments made
- 13 pursuant to chapter 249A for a medical assistance
- 14 facility."
- 15 3. Page 26, by striking lines 22 and 23 and
- 16 inserting the following:
- 17 "To implement, in consultation with the center for
- 18 health services research of the university of Iowa, a
- 19 pilot program or programs established in a rural
- 20 1 20 hospital or hospitals serving a designated county or multicounty
- 21 area in Iowa for the".

22 4. Page 26, by inserting after line 31 the fol-
23 lowing:

24 "It is the intent of the general assembly that the
25 aggregate payments to providers of services under the
26 pilot program shall not exceed the aggregate payments
27 that would have been made if the recipients had been
28 eligible for and received services pursuant to the
29 medical assistance program. It is the further intent
30 of the general assembly that the pilot program
31 established pursuant to this section shall not be
32 interpreted to create any entitlement to services on
33 behalf of any eligible individual except to the extent
34 that funding is available pursuant to this section.

35 It is also the intent of the general assembly that
36 the funds appropriated for the pilot program or programs shall be
37 used by the rural hospital selected for additional
38 patient care and not for defraying other costs
39 including but not limited to capital expenditure costs
40 or costs of services which were rendered by the
41 hospital and for which the hospital has not been
42 reimbursed."

CHARLES BRUNER
JEAN LLOYD-JONES
BERL E. PRIEBE

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 447

S-3945

1 Amend the amendment, H-3498, to House File 447, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking lines 47 and 48, and
5 inserting the following: "gallons or less capacity."

6 2. Page 2, by striking lines 7 and 8, and
7 inserting the following: "facility."

8 3. Page 7, by inserting after line 44, the
9 following:

10 "The board shall reimburse the department of
11 revenue and finance by contract for the reasonable
12 cost of administration of the environmental protection
13 charge imposed under this chapter and for other duties
14 delegated to the department or to the director by the
15 board."

16 4. Page 10, by striking lines 36 through 50, and

17 inserting the following:

18 " ____ . By striking page 23, line 2 through page

19 25, line 2, and inserting the following:

20 "Sec. ____ . NEW SECTION. 427B.18 LOCAL OPTION

21 REMEDIAL ACTION PROPERTY TAX CREDIT -- PUBLIC HEARING.

22 1. In order to further the public interests of
 23 protecting the drinking water supply, preserving
 24 business and industry within a community, preserving
 25 convenient access to gas stations within a community,
 26 or other public purposes, a city council or county
 27 board of supervisors may provide by ordinance for
 28 partial or total property tax credits to owners of
 29 small businesses that own or operate an underground
 30 storage tank to reduce the amount of property taxes
 31 paid over the permitted period in amounts not to
 32 exceed the actual portion of costs paid by the
 33 business owner in connection with a remedial action
 34 for which the Iowa comprehensive petroleum underground
 35 storage tank fund shares in the cost of corrective
 36 action, and for which the small business owner was not
 37 reimbursed from any other source. A county board of
 38 supervisors may grant credits only for property
 39 located outside of the corporate limits of a city, and
 40 a city council may grant credits only for property
 41 located within the corporate limits of the city. The
 42 credit shall be taken on the property where the
 43 underground storage tank is situated. The credit
 44 granted by the council or board shall not exceed the
 45 amount of taxes generated by the property for the
 46 respective city or county. The credit shall apply to
 47 property taxes payable in the fiscal year following
 48 the calendar year in which a cost of remedial action
 49 was paid by the small business owner.

50 As used in this division, "actual portion of the

Page 2

1 costs paid by the owner or operator of an underground
 2 storage tank in connection with a remedial action for
 3 which the Iowa comprehensive petroleum underground
 4 storage tank fund shares in the cost of corrective
 5 action" means the amount determined by the fund's
 6 board, or the board's designee, as the administrator
 7 of the Iowa comprehensive petroleum underground
 8 storage tank fund, and for which the owner or operator
 9 was not reimbursed from any other source.

10 As used in this division, "small business" means a
 11 business with gross receipts of less than five hundred
 12 thousand dollars per year.

13 2. The ordinance may be enacted not less than

14 thirty days after a public hearing is held in
15 accordance with section 358A.6 in the case of a
16 county, or section 362.3 in the case of a city. The
17 ordinance shall designate the length of time the
18 partial or total credit shall be available, and shall
19 include a credit schedule and description of the terms
20 and conditions of the credit.

21 3. A property tax credit provided under this
22 section shall be paid for out of any available funds
23 budgeted for that purpose by the city council or
24 county board of supervisors. A city council may
25 certify a tax for the general fund levy and a county
26 board of supervisors may certify a tax for the rural
27 county service fund levy for property tax credits
28 authorized by this section.

29 4. The maximum permitted period of a tax credit
30 granted under this section is ten years.

31 Sec. ____ . NEW SECTION. 427B.19 APPLICATION FOR
32 CREDIT BY UNDERGROUND STORAGE TANK OWNER OR OPERATOR

33 -APPROVAL BY COUNTY BOARD OF SUPERVISORS OR CITY
34 COUNCIL.

35 An application shall be filed by an owner of a
36 small business that owns or operates an underground
37 storage tank for each property for which a credit is
38 sought. Applications shall be filed with the
39 respective county board of supervisors or the city
40 council by September 30 of the year following the
41 calendar year in which a cost of remedial action was
42 paid by the owner or operator. Small business owners
43 receiving credits shall file applications for renewal
44 of the credit by September 30 of each year. A credit
45 may be renewed only if title to the credited property
46 remains in the name of the person or entity originally
47 receiving the credit.

48 In reviewing the applications, the board of
49 supervisors or city council shall consider whether
50 granting the credit would serve a public purpose.

Page 3

1 Upon approval of the application by the board of
2 supervisors, and after the applicant has paid any
3 property taxes due, the board shall direct the county
4 treasurer to issue a warrant to the small business
5 owner in the amount of the credit granted. Upon
6 approval of the application by the city council, and
7 after the applicant has paid any property taxes due,
8 the council shall direct the city clerk to issue a
9 warrant to the small business owner in the amount of

10 the credit granted.

11 Applications for credit shall be made on forms
12 prescribed by the director of revenue and finance and
13 shall contain information pertaining to the nature of
14 the release, the total cost of corrective action, the
15 actual portion of the costs paid by the small business
16 owner and for which the owner was not reimbursed from
17 any other source, the small business owner's income
18 tax form from the most recent tax year, and other
19 information deemed necessary by the director.

20 Sec. ____ . NEW SECTION. 427B.20 CREDIT MAY BE
21 REPEALED.

22 If in the opinion of the city council or the county
23 board of supervisors continuation of the credit
24 granted pursuant under an ordinance adopted pursuant
25 to this division ceases to be of benefit to the city
26 or county, the city council or the county board of
27 supervisors may repeal the ordinance authorized by
28 section 427B.18, but all existing credits shall
29 continue until their expiration.”

30 5. Page 12, by striking lines 11 through 24, and
31 inserting the following:

32 “ ____ . By striking page 26, line 25, through page
33 27, line 13, and inserting the following:

34 “Sec. ____ . NEW SECTION. 455B.490 USED STORAGE
35 TANK DISPOSAL.

36 The waste management authority shall designate at
37 least two facilities, but as many qualified facilities
38 as apply or contract with the authority and the board,
39 within the state for the acceptance of used
40 underground storage tanks for final disposal. A
41 designated facility shall accept any underground
42 storage tank originally sited within the state,
43 provided that the facility may require as a condition
44 of acceptance, reasonable preparation, procedures, and
45 information regarding the tank to facilitate safe
46 processing and disposal. A sanitary landfill, other
47 than a designated facility which is a sanitary
48 landfill, shall not accept underground storage tanks
49 for disposal after the date on which at least two
50 facilities have been designated by the waste

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1 management authority pursuant to this section. A
2 commercial scrap metal dealer or recycler may accept a
3 tank for processing. The Iowa comprehensive petroleum
4 underground storage tank fund may compensate a
5 designated facility for all or a portion of the costs
6 associated with processing or disposal of a tank

7 delivered to the facility for final disposal pursuant
8 to this section, if the department of natural
9 resources determines that alternative satisfactory
10 disposal options for used storage tanks do not then
11 exist. A commercial scrap metal dealer or recycler
12 may be a designated facility. A designated facility
13 shall not charge a fee to an owner or operator of the
14 underground storage tank as a condition of acceptance.
15 The waste management authority shall adopt rules as
16 necessary to govern the processing and disposal of
17 underground storage tanks by a designated facility.””
18 6. Page 13, by striking lines 38 and 39, and
19 inserting the following:
20 “___ . Page 33, by striking lines 30 through 34,
21 and inserting the following: “four years. A”.”
22 7. Page 13, by striking lines 42 through 45, and
23 inserting the following: “chapter. Two public
24 members shall be appointed with experience in either,
25 or both, financial markets or insurance.”
26 8. Page 13, by inserting after line 45, the
27 following:
28 “___ . Page 34, line 2, by striking the words
29 “past or present” and inserting the following:
30 “within the twelve months before the member’s
31 appointment”.”
32 9. Page 14, by inserting after line 34, the
33 following:
34 “___ . Page 42, line 10, by inserting after the
35 word “board.” the following: “When federal cleanup
36 funds are recovered, the funds are to be deposited to
37 the remedial account of the fund and used solely for
38 the purpose of future cleanup activities.””
39 10. Page 14, line 39, by striking the word and
40 figures “April 1, 1988” and inserting the following:
41 “July 1, 1987”.
42 11. Page 15, by inserting after line 12, the
43 following:
44 “(e) The owner or operator at the time the release
45 was reported to the department of natural resources
46 must have been in compliance with then current
47 monitoring requirements, if any, or must have been in
48 the process of compliance efforts with anticipated
49 requirements, including installation of monitoring
50 devices, a new tank, tank improvements or retrofit, or

Page 5

1 any combination.”
2 12. Page 15, by striking lines 15 through 19, and
3 inserting the following: “dollars. Claims for

4 eligible releases shall be prorated if claims filed
5 exceed six million dollars. If claims remain
6 partially or totally unpaid after total payments equal
7 six million dollars, all remaining claims are void.”

8 13. Page 15, by inserting after line 22, the
9 following:

10 “___ . Page 45, line 3, by inserting after the
11 word “benefits.” the following: “When federal cleanup
12 funds are recovered, the funds are to be deposited to
13 the remedial account of the fund and used solely for
14 the purpose of future cleanup activities.””

15 14. Page 16, by striking lines 10 through 12, and
16 inserting the following:

17 “___ . Page 46, line 8, by striking the word
18 “shall” and inserting the word “may”.”

19 15. Page 16, by inserting after line 47 the
20 following:

21 “___ . Page 47, by striking lines 19 and 20, and
22 inserting the following: “satisfies one of the
23 following conditions:

24 a. Satisfies performance standards for new
25 underground storage tank systems as specified by the
26 federal environmental protection agency in 40 C.F.R. §
27 280.20, as amended through January 1, 1989.

28 b. Has satisfied on or before the date of the
29 application standards for upgraded underground storage
30 tank systems as specified by the federal environmental
31 protection agency in 40 C.F.R. § 280.21, as amended
32 through January 1, 1989.

33 c. The applicant certifies in writing to the board
34 that the tank to be insured will be brought into
35 compliance with either paragraph “a” or “b”, on or
36 before October 26, 1991, provided that prior to the
37 provision of insurance account coverage, the tank site
38 tests release free. For a tank qualifying for
39 insurance coverage pursuant to this paragraph at the
40 time of application or renewal, the owner or operator
41 shall pay a per tank premium equal to two times the
42 normally scheduled premium for a tank satisfying
43 paragraph “a” or “b”. An owner or operator who fails
44 to comply as certified to the board on or before
45 October 26, 1991, shall not insure that tank through
46 the insurance account unless and until the tank
47 satisfies the requirements of paragraph “a” or “b.””

48 16. Page 17, by inserting after line 2, the
49 following:

50 “___ . By striking page 49, line 35 through page

Page 6

1 50, line 1, and inserting the following: "owner or
2 operator or an installer. The board shall set in the
3 rule the effective date for the certification
4 requirement. Certification rules shall at minimum".

5 17. Page 17, lines 5 and 6, by striking the words
6 ", or other person or class of persons" and inserting
7 the following: "or state fire marshal's designee".

8 18. Page 17, by inserting after line 7, the
9 following:

10 "____. Page 50, line 7, by inserting after the
11 word "conditions." the following: "An inspector shall
12 not be an owner or operator of a tank, or an employee
13 of an owner, operator, or installer.""

14 19. Page 17, by inserting after line 9, the
15 following:

16 "____. Page 51, by inserting after line 10, the
17 following:

18 "Sec. ____ . NEW SECTION. 455G.11A BOARD AUTHORITY
19 FOR PRIORITIZATION.

20 If the board determines that, within the realm of
21 sound business judgment and practice, prioritization
22 of assistance is necessary in light of funds available
23 for loan guarantees or insurance coverage, the board
24 may develop rules for assistance or coverage
25 prioritization based upon adherence or planned
26 adherence of the owner or operator to higher than
27 minimum environmental protection and safety compliance
28 considerations.

29 Prior to the adoption of prioritization rules, the
30 board shall at minimum review the following issues:

31 1. The positive environmental impact of assistance
32 prioritization.

33 2. The economic feasibility, including the
34 availability of private financing, for an owner or
35 operator to obtain priority status.

36 3. Any negative impact on Iowa's rural petroleum
37 distribution network which could result from
38 prioritization.

39 4. Any similar prioritization systems in use by
40 the private financing or insurance markets in this
41 state, including terms, conditions, or exclusions.

42 5. The intent of this Act that the board shall
43 maximize the availability of reasonably priced,
44 financially sound insurance coverage or loan guarantee
45 assistance.""

46 20. Page 17, by inserting after line 9, the
47 following:

48 "____. Page 51, line 18, by inserting after the

49 word "release." the following: "When federal cleanup
50 funds are recovered, the funds are to be deposited to

Page 7

- 1 the remedial account of the fund and used solely for
- 2 the purpose of future cleanup activities.'"
- 3 21. By renumbering as necessary.

S-3946

- 1 Amend Senate File 542 as follows:
- 2 1. Page 4, by striking lines 6 through 8.
- 3 2. By renumbering as necessary.

TOM MANN, Jr.

S-3947

- 1 Amend Senate File 541 as follows:
- 2 1. Page 8, by inserting after line 16 the
- 3 following:
- 4 "___ . As a condition, qualification, and
- 5 limitation of the funds appropriated in this section,
- 6 the department shall reimburse an ambulance service
- 7 for transporting a medical assistance recipient from a
- 8 location other than a medical institution to a
- 9 hospital regardless of a determination of medical
- 10 necessity. However, the department shall develop
- 11 methods to reduce recipient usage of ambulance
- 12 services for reasons other than medical necessity,
- 13 including notification of recipients who have received
- 14 ambulance services that were not considered to be a
- 15 medical necessity and ambulance services that have
- 16 provided such services.
- 17 2. By renumbering as necessary.

JIM LIND
CHARLES BRUNER

S-3948

- 1 Amend Senate File 541 as follows:
- 2 1. Page 14, line 3, by inserting after the word
- 3 "implemented." the following: "The department, in
- 4 cooperation with recipients of aid to dependent
- 5 children, human services advocates, and other

6 interested parties, shall establish conciliation
7 procedures for the JOBS program and shall implement
8 the procedures concurrently with the program. The
9 procedures shall be designed to ensure that the JOBS
10 program goals are enhanced and that a dispute is
11 resolved before a sanction is applied."

12 2. Page 15, line 11, by inserting after the word
13 "participate." the following: "An eligible person
14 shall not be required to participate for good cause if
15 the person shows that the person's failure or refusal
16 to participate is reasonable under the circumstances."

17 3. Page 15, by inserting after line 16 the
18 following:

19 "h. As a condition, qualification, and limitation
20 of the funds appropriated in this section, in
21 implementing the JOBS program, the department shall
22 ensure that each participant receives a formal
23 assessment and that an employability plan is completed
24 with each participant. The employability plan shall
25 contain an employment goal and the support services
26 and the specific work or training activities necessary
27 to attain the goal, with job search requirements
28 imposed only if consistent with the participant's
29 employability plan."

CHARLES BRUNER

S-3949

1 Amend the House amendment, S-3752, to Senate File
2 472, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking lines 3 through 31.

5 2. Page 1, line 36, by striking the words
6 "private school or a".

7 3. Page 1, line 38, by striking the word
8 "striking" and inserting the following: "inserting
9 before".

10 4. Page 1, line 39, by striking the words "and
11 inserting".

12 5. By striking page 1, line 41, through page 2,
13 line 16, and inserting the following:

14 " ____ . Page 5, line 3, by striking the word "five-
15 "

16 ____ . Page 5, by striking lines 4 and 5, and
17 inserting the following: "one pupil during the first
18 year of enrollment. In succeeding years, the child
19 shall be counted as five-tenths of a pupil, unless the
20 child has received an evaluation by area education

21 agency personnel, is receiving special education
22 services through the area education agency, or is
23 receiving academic remediation. If a child has
24 received an evaluation by area education agency
25 personnel, the child shall be counted as one pupil
26 during the first two years of enrollment and as five-
27 tenths of a pupil in succeeding years. If a child has
28 or will be receiving special education or has or will
29 be receiving”.”

30 6. By striking page 2, line 19, through page 3,
31 line 14.

32 7. Page 3, by striking lines 20 and 21.

WILLIAM DIELEMAN

S-3950

1 Amend Senate File 542 as follows:

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

4 “Sec. 100. Section 135C.2, subsection 3, Code
5 1989, is amended by adding the following new
6 unnumbered paragraphs:

7 NEW UNNUMBERED PARAGRAPH. The rules adopted for
8 intermediate care facilities for the mentally retarded
9 shall be consistent with, but no more restrictive
10 than, the federal standards for intermediate care
11 facilities for the mentally retarded established
12 pursuant to the federal Social Security Act, §
13 1905(c)(d), as codified in 42 U.S.C. § 1396d, in
14 effect on January 1, 1989. However, in order to be
15 licensed the state fire marshal must certify to the
16 department an intermediate care facility for the
17 mentally retarded as meeting the applicable provisions
18 of either the health care occupancies chapter or the
19 residential board and care chapter of the life safety
20 code of the national fire protection association, 1985
21 edition. The department shall adopt additional rules
22 for intermediate care facilities for the mentally
23 retarded pursuant to section 135C.14, subsection 8.

24 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
25 limitations set out in this subsection regarding rules
26 for intermediate care facilities for the mentally
27 retarded, the department shall consider the federal
28 interpretive guidelines issued by the federal health
29 care financing administration when interpreting the
30 department’s rules for intermediate care facilities
31 for the mentally retarded. This use of the guidelines
32 is not subject to the rulemaking provisions of

33 sections 17A.4 and 17A.5, but the guidelines shall be
 34 published in the Iowa administrative bulletin and the
 35 Iowa administrative code.”

36 2. Page 3, by striking lines 17 through 22 and
 37 inserting the following: “supported employment.”

38 3. Page 5, by inserting after line 7 the
 39 following:

40 “Sec. ____ . EFFECTIVE DATE. Section 100 of this
 41 Act, being deemed of immediate importance, takes
 42 effect upon enactment. Within sixty days of the
 43 enactment of this Act, the department shall adopt
 44 rules, which take effect immediately upon filing, to
 45 comply with the provisions of section 100 of this Act.

46 4. Title page, line 3, by inserting after the
 47 word “provisions” the following: “and an effective
 48 date”.

JOE WELSH

S-3951

1 Amend the amendment, S-3597, to House File 644, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 1, line 6, by striking the figure “3” and
 5 inserting the following: “2”.

6 2. Page 1, line 7, by striking the figure “16”
 7 and inserting the following: “12”.

8 3. Page 1, by inserting after line 21 the fol-
 9 lowing:

10 “____ . Page 2, line 24, by striking the word “ten”
 11 and inserting the following: “one”.

12 ____ . Page 2, line 26, by striking the words “this
 13 chapter” and inserting the following: “section
 14 261.25”.

15 ____ . Page 3, by inserting after line 16 the
 16 following:

17 “4. The commission shall annually report to the
 18 general assembly the methodology and manner in which
 19 the commission makes the determination of awards for
 20 programs for which funds are appropriated under
 21 section 261.25.”

22 4. Page 1, line 24, by inserting after the word
 23 “loan” the following: “and the Iowa guaranteed loan”.

24 5. Page 1, by inserting after line 24 the follow-
 25 ing:

26 “____ . Page 4, by striking line 5 and inserting
 27 the following: “program programs.””

28 6. Page 1, line 35, by striking the word

29 "payment".

30 7. Page 1, line 37, by striking the word

31 "payment".

32 8. Page 1, line 45, by striking the word

33 "Payment".

34 9. Page 4, line 7, by inserting after the words

35 "practical nurse" the following: ", for the fiscal
36 year beginning July 1, 1989, and ending June 30, 1990,
37 in a hospital, state agency, agency of a political
38 subdivision, or agency delivering home-based health
39 care, or a health care facility in this state and, in
40 subsequent years, anywhere".

41 10. Page 4, line 20, by striking the word "July"

42 and inserting the following: "April".

43 11. Page 10, by inserting after line 37, the
44 following:

45 "Sec. ____ . NEW SECTION. 261.91 EDUCATION SAVINGS
46 PROGRAM.

47 1. An education savings program is established to
48 be administered by the college aid commission. The
49 program will provide funds to match moneys in
50 education savings accounts established for qualifying

Page 2

1 individuals.

2 Not later than April 15 of each year, the
3 commission shall receive applications for matching
4 funds from trustors of education savings accounts.
5 Matching funds shall be granted by the commission
6 based upon the moneys appropriated by the general
7 assembly for the program and the income of the
8 applicants. Each applicant shall submit evidence to
9 the commission of the amount of money deposited in the
10 applicant's education savings account during the
11 preceding calendar year and the applicant's adjusted
12 gross income during the preceding calendar year and
13 other financial information deemed necessary by the
14 commission.

15 The commission shall categorize the applicants
16 based upon the income criteria and shall distribute
17 matching funds, to the extent that the commission
18 determines is appropriate to the category and to the
19 extent that moneys are available for the program, on
20 the following basis:

21 a. For an applicant whose income is less than one
22 hundred fifty percent of the poverty level established
23 by the federal office of management and budget, one
24 dollar for each dollar deposited in an education
25 savings account.

26 b. For an applicant whose income is between one
27 hundred fifty and one hundred ninety-nine percent of
28 the federal poverty level established by the federal
29 office of management and budget, fifty cents for each
30 dollar deposited in an education savings account.

31 c. For an applicant whose income is between two
32 hundred and two hundred fifty percent of the federal
33 poverty level established by the federal office of
34 management and budget, twenty-five cents for each
35 dollar deposited in an education savings account.

36 Matching funds for a year shall not exceed two
37 thousand dollars if the beneficiary is not the
38 trustor. If the beneficiary is the trustor, matching
39 funds and funds contributed by the trustor shall not
40 exceed two hundred dollars per year and the total
41 matching funds and trustor contributions shall each
42 not exceed two thousand dollars.

43 When the trustor submits evidence to the commission
44 that distribution has been made from an education
45 savings account and the distribution is used
46 exclusively to pay certified eligible education
47 expenses incurred by the trustor for the beneficiary,
48 the college aid commission shall make distribution of
49 moneys in the Iowa college trust fund that have been
50 designated for the trustor in an amount not to exceed

Page 3

1 the difference between the certified eligible
2 education expenses of the beneficiary for the year and
3 the distribution from the education savings account.

4 When a beneficiary is no longer eligible for
5 distribution of funds from an education savings
6 account, any funds remaining in the Iowa college trust
7 fund that have been designated for that beneficiary
8 shall have the designation removed.

9 For the purposes of this subsection, an education
10 savings account is a trust created or organized in the
11 United States for the exclusive benefit of the one
12 individual named by the trustor.

13 2. The trust must meet the following requirements:

14 a. The trustee must be a bank, or a person who
15 demonstrates to the satisfaction of the director of
16 the department of revenue and finance that the manner
17 in which the person will administer the trust will be
18 consistent with the requirements of this section.

19 b. The trust funds shall not be invested in life
20 insurance contracts.

21 c. The interest of the trustor in the balance of
22 the trust shall be nonforfeitable.

23 d. The assets of the trust shall not be commingled
24 with other property except in a common trust fund or a
25 common investment fund.

26 e. The books and records of the trust shall be
27 kept in accordance with this subsection using the tax
28 year of the trustor and the tax year shall be
29 specified in the governing instrument.

30 f. The trust shall be created to be an education
31 savings account for the benefit of one named
32 individual, and the date of birth of the named
33 individual shall be specified. A trustor may
34 establish only one trust under this subsection.

35 g. Contributions shall be accepted only from the
36 trustor.

37 h. Contributions shall be accepted only in cash.

38 i. If the beneficiary is not the trustor, a
39 balance in the account on the day after the day on
40 which the beneficiary attains thirty years of age, or,
41 if earlier, the date on which the beneficiary dies,
42 shall be distributed on that date; ninety percent to
43 the trustor and ten percent to the college aid trust
44 fund established in section 261.90.

45 j. If the beneficiary is the trustor, a balance in
46 the account on the day after the day on which the
47 beneficiary attains sixty-five years of age, or, if
48 earlier, the date on which the beneficiary retires or
49 dies, shall be distributed on that date, ninety
50 percent to the trustor, or the trustor's estate, and

Page 4

1 ten percent to the college aid trust fund established
2 in section 261.90.

3 k. A beneficiary may be the named individual in
4 only one education savings account.

5 3. For purposes of this section, the following
6 definitions apply:

7 a. "Named individual" or "beneficiary" means an
8 eligible individual specified in the written governing
9 instrument of an education savings account.

10 b. "Eligible individual" means an individual who
11 is the trustor of the account or is a son, daughter,
12 stepson, or stepdaughter of the trustor of the
13 account, or a descendant of any of the individuals
14 listed.

15 4. For purposes of this section, a custodial
16 account shall be treated as a trust if the assets of
17 the account are held by a bank, within the meaning of
18 section 408(n) of the Internal Revenue Code, or
19 another person who demonstrates to the satisfaction of

20 the director, that the manner in which that person
 21 will administer the account will be consistent with
 22 the requirements of this subsection, and if the
 23 custodial account would, except for the fact that it
 24 is not a trust, constitute an education savings
 25 account. In the case of a custodial account treated
 26 as a trust by reason of the preceding sentence, the
 27 custodian of the account shall be treated as the
 28 trustee of the account.”
 29 12. By renumbering as necessary.

RICHARD VARN

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 722

S-3952

1 Amend the Senate amendment, H—4000, to House File
 2 722, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, line 6, by striking the word
 5 “consultation” and inserting the following:
 6 “cooperation”.

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 643

S-3953

1 Amend the Senate amendment, H-4050, to House File
 2 643 as follows:
 3 1. Page 1, line 14, by striking the words
 4 “employment services.” and inserting the following:
 5 “employment services.”
 6 2. Page 1, by striking lines 15 through 17 and
 7 inserting the following: “The surety bond shall be
 8 executed by a surety company authorized to do business
 9 in this state, and the bond shall be continuous in
 10 nature until canceled by the surety with not less than
 11 thirty days' written notice to the contractor and to
 12 the division of labor services of the department of
 13 employment services indicating the surety's desire to
 14 cancel the bond. The bond shall be in the sum of the
 15 greater of the following:”
 16 3. By striking page 1, line 49 through page 2,

17 line 1, and inserting the following: "amount of taxes
18 payable or the amount of the bond, whichever is less.
19 For purposes of this".

S-3954

1 Amend House File 775 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 20, by inserting after line 33, the
4 following:
5 "Sec. ____ . NEW SECTION. 249D.60 OLDER IOWANS
6 LEGISLATURE.
7 The department shall establish an older Iowans
8 legislature in coordination with the area agencies on
9 aging. The department shall adopt administrative
10 rules regarding the activities of the older Iowans
11 legislature. The rules shall provide for
12 reimbursement by the area agencies on aging of the
13 reasonable and necessary expenses of an elder Iowan
14 who is an elected representative to the older Iowans
15 legislature. Expenses incurred by a representative in
16 activities other than attendance at the older Iowans
17 legislature may be reimbursed upon the approval of the
18 director of the respective area agency on aging."
19 2. By renumbering as necessary.

RICHARD RUNNING

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 5

S-3955

1 Amend the Senate amendment, H-3604, to House File
2 5, as amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, line 24, by inserting after the word
5 "provided" the following: "to the employee".
6 2. Page 1, line 27, by inserting after the word
7 "name" the following: "and address".
8 3. By striking page 1, line 50 through page 2,
9 line 3.
10 4. By renumbering, relettering, or redesignating
11 and correcting internal references as necessary.

S-3956

- 1 Amend House File 775, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 7, line 4, by striking the figure
 4 "1,186,648" and inserting the following: "2,237,648".
 5 2. Page 7, line 5, by striking the figure "13.75"
 6 and inserting the following: "15.25".

CALVIN O. HULTMAN
 MAGGIE TINSMAN

S-3957

- 1 Amend Senate File 514 as follows:
 2 1. Page 1, by inserting before line 1, the
 3 following:
 4 "Section 1. Section 422.45, subsection 20, Code
 5 1989, is amended to read as follows:
 6 20. The gross receipts from sales or services
 7 rendered, furnished or performed by a county or city.
 8 This exemption does not apply to the tax specifically
 9 imposed under section 422.43 on the gross receipts
 10 from the sales, furnishing, or service of gas,
 11 electricity, water, heat, and communication service to
 12 the public by a municipal corporation in its
 13 proprietary capacity and does not apply to fees paid
 14 to cities and counties for ~~the privilege of~~
 15 ~~participating in any athletic sports~~ use of a golf
 16 course."
 17 2. Title page, line 2, by inserting after the
 18 word "facilities" the following: "and certain
 19 athletic sports fees paid to cities and counties".

JIM LIND
 LARRY MURPHY

S-3958

- 1 Amend amendment, S-3852, to amendment, S-3713, to
 2 Senate File 450, as passed by the Senate, as follows:
 3 1. Page 1, by inserting after line 4, the
 4 following:
 5 " ____ . Page 1, by inserting after line 13, the
 6 following:
 7 " ____ . Page 2, by inserting after line 26, the
 8 following:

9 "Sec. ____ . Section 256.11, subsection 7, Code
10 1989, is amended to read as follows:
11 7. Programs that meet the needs of each of the
12 following:
13 a. Pupils requiring special education.
14 b. Gifted and talented pupils.
15 c. Programs for at-risk students.
16 Rules adopted by the state board to implement this
17 paragraph shall be based upon the definition of at-
18 risk student developed by the child coordinating
19 council established in section 256A.2 and the
20 department of education, and the state board shall
21 consider the recommendations of the child coordinating
22 council and the department in developing the rules."'''

LARRY MURPHY

S-3959

1 Amend amendment, S-3833, to House File 250, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 5 through 48, and
5 inserting the following:
6 "Section 1. NEW SECTION. 80.40 CRIME
7 INFORMATION.
8 The department shall establish a program to
9 collect, classify, and disseminate information
10 relating to violations of section 729.5. Planning for
11 this project shall be completed and data collection
12 shall commence no later than January 1, 1991.
13 Sec. 2. Section 601A.2, subsection 11, Code 1989,
14 is amended to read as follows:
15 11. "Disability" means the physical or mental
16 condition of a person which constitutes a substantial
17 handicap, and includes the condition of a person with
18 a positive human immunodeficiency virus test result, a
19 diagnosis of acquired immune deficiency syndrome, a
20 diagnosis of acquired immune deficiency syndrome-
21 related complex, or any other condition related to
22 acquired immune deficiency syndrome. The inclusion of
23 a condition related to a positive human
24 immunodeficiency virus test result in the meaning of
25 "disability" under ~~the provisions~~ of this chapter does
26 not preclude the application of the provisions of this
27 chapter to conditions resulting from other contagious
28 or infectious diseases.
29 In reference to employment, "disability" means a
30 substantial handicap which meets one of the following

31 criteria:

32 a. The handicap is not related to the ability to
33 do the job.

34 b. The handicap is related to the ability to do
35 the job, but through experience, training, or
36 reasonable accommodation the person is able to perform
37 the job.

38 Sec. 3. Section 601A.6, Code 1989, is amended by
39 adding the following new subsection:

40 NEW SUBSECTION. 1A. An employer shall make
41 reasonable accommodation to the known physical or
42 mental limitations of an otherwise qualified
43 handicapped applicant or employee even though the
44 reasonable accommodation may require more than a de
45 minimus expenditure by the employer, unless the
46 employer can demonstrate that the accommodation would
47 impose an undue hardship on the employer.

48 In determining whether an accommodation would
49 impose an undue hardship on the employer, all of the
50 following factors shall be considered:

Page 2

1 a. The overall size of the employer's program of
2 accommodation with respect to the number of employees,
3 number and type of facilities, and type of budget.

4 b. The type of the employer's operation, including
5 the composition and structure of the employer's
6 workforce.

7 c. The nature and cost of the accommodation
8 needed.

9 Sec. 4. Section 729.5, Code 1989, is amended to
10 read as follows:

11 **729.5 PROHIBITING VIOLATIONS OF AN INDIVIDUAL'S**
12 **CIVIL RIGHTS -- PENALTIES.**

13 1. Persons within the state of Iowa have the right
14 to be free from any violence, or intimidation by
15 threat of violence, committed against their persons or
16 property because of their race, color, religion,
17 ancestry, national origin, political affiliation, ~~or~~
18 sex, sexual orientation, age, or disability.

19 2. A person who conspires with another person or
20 persons to injure, oppress, threaten, or intimidate or
21 interfere with any citizen in the free exercise or
22 enjoyment of any right or privilege secured to that
23 person by the constitution or laws of the state of
24 Iowa or by the constitution or laws of the United
25 States, and assembles with one or more persons for the
26 purpose of teaching or being instructed in any
27 technique or means capable of causing property damage,

28 bodily injury or death when the person or persons
 29 intend to employ those techniques or means in
 30 furtherance of the conspiracy, is on conviction,
 31 guilty of a class "D" felony an aggravated
 32 misdemeanor. Evidence of intimidation includes, but
 33 is not limited to, the burning of crosses and other
 34 symbols, and a rebuttable presumption of intimidation
 35 arises where such an act is shown to have been
 36 committed. Evidence of conspiracy includes, but is
 37 not limited to, the assembly of two or more persons
 38 for the purpose of teaching or being instructed in any
 39 technique or means capable of causing property damage,
 40 bodily injury, or death, and a rebuttable presumption
 41 of a conspiracy arises where such an act is shown to
 42 have been committed for such a purpose.
 43 A person who maliciously and intentionally
 44 intimidates or interferes with the business or
 45 contractual relations of another citizen because of
 46 that citizen's race, color, religion, ancestry,
 47 national origin, political affiliation, sex, sexual
 48 orientation, age, or disability commits a simple
 49 misdemeanor.
 50 3. The fact that a person committed a felony or

Page 3

1 misdemeanor, or attempted to commit a felony, because
 2 of the victim's race, color, religion, nationality,
 3 country of ancestry, national origin, political
 4 affiliation, or sex, sexual orientation, age, or
 5 disability, shall be considered a circumstance in
 6 aggravation of any crime in imposing a sentence and
 7 fine.
 8 4. A protected class member, as included in this
 9 section, who has suffered physical, emotional, or
 10 financial harm, as a result of a violation of this
 11 section, or discrimination as prohibited by chapter
 12 601A, is entitled to injunctive relief, general and
 13 special damages, reasonable attorney fees and costs,
 14 and is also entitled to the remedies provided in
 15 chapter 601A when discrimination is proven.
 16 4 5. This section does not make unlawful the
 17 teaching of any technique in self-defense.
 18 5 6. This section does not make unlawful any
 19 activity of:
 20 a. Law enforcement officials of this or any other
 21 jurisdiction while engaged in the lawful performance
 22 of their official duties;
 23 b. Federal officials required to carry firearms
 24 while engaged in the lawful performance of their

25 official duties;
 26 c. Members of the armed forces of the United
 27 States or the national guard while engaged in the
 28 lawful performance of their official duties; or
 29 d. Any conservation commission, law enforcement
 30 agency, or any agency licensed to provide security
 31 services, or any hunting club, gun club, shooting
 32 range, or other organization or entity whose primary
 33 purpose is to teach the safe handling or use of
 34 firearms, archery equipment, or other weapons or
 35 techniques employed in connection with lawful sporting
 36 or other lawful activity.
 37 7. For purposes of this section, unless the
 38 context otherwise requires:
 39 a. “Conspiracy” means the teaching or instruction,
 40 or assembling for the purpose of teaching or
 41 instructing any technique capable of causing an injury
 42 to the person or property damage, with the intent to
 43 promote or facilitate violence or threats of violence
 44 and intimidation against persons protected by this
 45 chapter.
 46 b. “Disability” means as defined in section
 47 601A.2, subsection 11.
 48 c. “Intimidation” means action taken which can
 49 reasonably be expected to frighten or cause fear in
 50 another, with the intent to promote or facilitate fear

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- 1 in persons protected by this chapter.”
- 2 2. Title page, line 1, by inserting after the
- 3 word “rights” the following: “or privileges”.

TOM MANN, Jr.

S-3960

- 1 Amend House File 775 as follows:
- 2 1. Page 2, line 34, by striking the figure
- 3 “157,860” and inserting the following: “145,691”.
- 4 2. Page 2, line 35, by striking the figure “6.0”
- 5 and inserting the following: “5.5”.

JOE WELSH

S-3961

1 Amend House File 775 as follows:

DIVISION S—3961A

- 2 1. Page 2, line 1, by striking the figure
3 “185,613” and inserting the following: “135,613”.
4 2. Page 2, by striking lines 3 through 10 and
5 inserting the following:
6 “Of the funds appropriated to the division, there
7 is allocated an amount necessary to fund the central
8 registry for brain injuries established pursuant to
9 section 135.22.”
10 3. Page 5, line 10, by striking the figure
11 “234,000” and inserting the following: “114,000”.

DIVISION S—3961C

- 12 4. Page 5, by striking lines 11 through 17, and
13 inserting the following:
14 “Of the funds appropriated to the department for
15 administration of the area agencies on aging for the
16 long-term care resident’s advocate and the care review
17 committees at the local area agency on aging level, a
18 local area agency on aging shall match the funds
19 appropriated from other sources on a dollar-for-dollar
20 basis.”

DIVISION S—3961A (cont’d)

- 21 5. Page 6, line 1, by striking the figure
22 “1,381,000” and inserting the following: “1,356,000”.

DIVISION S—3961B

- 23 6. Page 7, line 23, by striking the figure
24 “1,979,290” and inserting the following: “1,894,290”.

DIVISION S—3961A (cont’d.)

- 25 7. Page 7, by striking lines 25 through 27.
26 8. Page 9, line 35, by striking the figure
27 “2,306,000” and inserting the following: “2,226,089”.
28 9. Page 10, line 19, by striking the figure
29 “387,911” and inserting the following: “308,000”.
30 10. Page 11, line 18, by striking the figure
31 “2,483,200” and inserting the following: “2,433,200”.
32 11. Page 13, line 7, by striking the figure
33 “8,290,057” and inserting the following: “7,980,200”.

34 12. Page 17, line 14, by striking the figure
35 "655,000" and inserting the following: "489,000".

JOE J. WELSH

S-3962

1 Amend House File 775, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 22 through 25 and
4 inserting the following:
5 "It is the intent of the general assembly that the
6 department maintain the visitation rights advisory
7 committee as established and that the advisory
8 committee facilitate applications for federal funds to
9 enforce visitation rights."

AL STURGEON

S-3963

1 Amend House File 775, as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 23, by striking lines 8 through 23 and
4 inserting the following:
5 "Sec. ____ . Section 601K.117, Code 1989, is amended
6 by striking the section and inserting in lieu thereof
7 the following:
8 601K.117 INTERPRETATION SERVICES ACCOUNT.
9 All fees collected by the division for provision of
10 interpretation service by the division to obligated
11 agencies shall be deposited in a separate account
12 within the general operating fund of the division and
13 shall be dedicated to and used by the division for the
14 provision of continued and expanded interpretation
15 services. The commission shall adopt rules which
16 establish a fee schedule for the costs of provision of
17 interpretation services, for collection of the fees,
18 and for disposition of moneys received under this
19 section. Notwithstanding section 8.33, any balance in
20 the separate account at the end of any fiscal year,
21 shall be retained in the account."
22 2. By renumbering as necessary.

AL STURGEON

S-3964

1 Amend House File 775, as amended, passed, and
2 reprinted by the House, as follows:

DIVISION S—3964A

3 1. Page 5, lines 14 and 15, by striking the words
4 “In order to receive funding, a” and inserting the
5 following: “A”.

DIVISION S—3964B

6 2. Page 7, line 4, by striking the figure
7 “1,186,648” and in the following: “1,135,648”.

DIVISION S—3964A (cont'd.)

8 3. Page 10, by inserting after line 19, the
9 following:
10 “The regional clinic located in Sioux City shall
11 maintain a social worker component to assist the
12 families of children participating in the clinic
13 program.”

AL STURGEON

S-3965

1 Amend House File 775, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 5, by striking lines 14 through 17 and
4 inserting the following: “local area agency on aging
5 level. A local area agency on aging shall match the
6 funds appropriated with funds from other sources on a
7 four-dollar to one-dollar basis.”

AL STURGEON

S-3966

1 Amend House File 775 as follows:
2 1. Page 7, line 23, by striking the figure
3 “1,979,290” and inserting the following: “2,029,290”.
4 2. Page 7, by inserting after line 27, the
5 following:
6 “Of the funds appropriated under this subsection,

7 \$50,000 shall be used to provide chlamydia testing.
8 The moneys shall be distributed on a statewide basis
9 to areas with the highest concentrations of at-risk
10 persons. None of the funds appropriated shall be used
11 to defray indirect costs.”

BEVERLY A. HANNON
TOM MANN
JEAN LLOYD-JONES

S-3967

1 Amend the House amendment, S-3849, to Senate File 369
2 as amended, passed and reprinted by the Senate as follows:
3 1. Page 1, by striking lines 35 through 40 and
4 inserting the following: “.””

EMIL J. HUSAK
BERL E. PRIEBE

S-3968

1 Amend House File 775, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 7, line 4, by striking the figure
4 “1,186,648” and inserting the following: “1,237,648”.
5 2. Page 7, line 5, by striking the figure “13.75”
6 and inserting the following: “15.25”.

CALVIN O. HULTMAN
MAGGIE TINSMAN

S-3969

1 Amend the amendment, S-3968, to House File 775 as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 3 through 6 and
5 inserting the following:
6 “ . Page 4, line 21, by striking the figure
7 “384,290” and inserting the following: “435,290”.
8 . Page 5, by inserting after line 8, the
9 following:
10 “Of the funds appropriated under this subsection,
11 \$51,000 shall be allocated to fund the representative
12 payee project established within the department of
13 elder affairs.”

- 14 ____ . Page 7, line 4, by striking the figure
- 15 "1,186,648" and inserting the following: "1,135,648".
- 16 ____ . Page 7, line 7, by striking the figure
- 17 "780,000" and inserting the following: "729,000"."

AL STURGEON
RICHARD VARN

S-3970

- 1 Amend the amendment, S-3961, to House File 775 as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 1, by striking lines 12 through 20 and
- 4 inserting the following:
- 5 "____ . Page 5, lines 16 and 17, by striking the
- 6 words "dollar-for-dollar" and inserting the following:
- 7 "four-dollar to one-dollar"."

AL STURGEON

S-3971

- 1 Amend the amendment, S-3961, to House File 775 as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 1, by inserting after line 11 the
- 4 following:
- 5 "____ . Page 5, lines 16 and 17, by striking the
- 6 words "dollar-for-dollar" and inserting the following:
- 7 "four-dollar to one-dollar"."

AL STURGEON

S-3972

- 1 Amend House File 775 as follows:
- 2 1. Page 5, lines 16 and 17 by striking the words
- 3 "dollar-for-dollar" and inserting the following:
- 4 "four-dollar to one-dollar"."

AL STURGEON

S-3973

- 1 Amend House File 775, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 18, by inserting after line 10, the
- 4 following:

5 "The department shall determine the impact of
 6 any expansions in medicaid eligibility provided
 7 under other Acts on the use of this program and
 8 the characteristics of persons using the program,
 9 and the need for modification of the quota system
 10 of the program."

CHARLES BRUNER

S-3974

1 Amend the amendment, S-3968, to House File 775 as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by striking lines 3 through 6 and
 5 inserting the following:
 6 "___ . Page 4, line 21, by striking the figure
 7 "384,290" and inserting the following: "409,790".
 8 ___ . Page 5, by inserting after line 8, the
 9 following:
 10 "Of the funds appropriated under this subsection,
 11 \$25,500 shall be allocated to fund the representative
 12 payee project established within the department of
 13 elder affairs."
 14 ___ . Page 7, line 4, by striking the figure
 15 "1,186,648" and inserting the following: "1,161,148".
 16 ___ . Page 7, line 5, by striking the figure
 17 "13.75" and inserting the following: "14.75".
 18 ___ . Page 7, line 7, by striking the figure
 19 "780,000" and inserting the following: "754,500"."

AL STURGEON
 RICHARD VARN
 CALVIN O. HULTMAN
 MAGGIE TINSMAN

S-3975

1 Amend the amendment, S-3597, to House File 644, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, line 6, by striking the figure "3" and
 5 inserting the following: "2".
 6 2. Page 1, line 7, by striking the figure "16"
 7 and inserting the following: "12".
 8 3. Page 1, by inserting after line 21 the fol-
 9 lowing:
 10 "___ . Page 2, line 24, by striking the word "ten"

11 and inserting the following: "one".

12 ____ . Page 2, line 26, by striking the words "this
13 chapter" and inserting the following: "section
14 261.25".

15 ____ . Page 3, by inserting after line 16 the
16 following:

17 "4. The commission shall annually report to the
18 general assembly the methodology and manner in which
19 the commission makes the determination of awards for
20 programs for which funds are appropriated under
21 section 261.25.""

22 4. Page 1, line 24, by inserting after the word
23 "loan" the following: "and the Iowa guaranteed loan".

24 5. Page 1, by inserting after line 24 the follow-
25 ing:

26 ____ . Page 4, by striking line 5 and inserting
27 the following: "~~program~~ programs.""

28 6. Page 1, line 35, by striking the word
29 "payment".

30 7. Page 1, line 37, by striking the word
31 "payment".

32 8. Page 1, line 45, by striking the word
33 "Payment".

34 9. Page 4, line 7, by inserting after the words
35 "practical nurse" the following: ", for the fiscal
36 year beginning July 1, 1989, and ending June 30, 1990,
37 in a hospital, state agency, agency of a political
38 subdivision, or agency delivering home-based health
39 care, or a health care facility in this state and, in
40 subsequent years, anywhere".

41 10. Page 4, line 20, by striking the word "July"
42 and inserting the following: "April".

43 11. Page 10, by inserting after line 37, the
44 following:

45 "Sec. ____ . NEW SECTION. 261.91 EDUCATION SAVINGS
46 PROGRAM.

47 1. An education savings program is established to
48 be administered by the college aid commission. The
49 program will provide funds to match moneys in
50 education savings accounts established for qualifying

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1 individuals.

2 Not later than April 15 of each year, the
3 commission shall receive applications for matching
4 funds from trustors of education savings accounts.
5 Matching funds shall be granted by the commission
6 based upon the moneys appropriated by the general
7 assembly for the program and the income of the

8 applicants. Each applicant shall submit evidence to
9 the commission of the amount of money deposited in the
10 applicant's education savings account during the
11 preceding calendar year and the applicant's adjusted
12 gross income during the preceding calendar year and
13 other financial information deemed necessary by the
14 commission.

15 The commission shall categorize the applicants
16 based upon the income criteria and shall distribute
17 matching funds, to the extent that the commission
18 determines is appropriate to the category and to the
19 extent that moneys are available for the program, on
20 the following basis:

21 a. For an applicant whose income is less than one
22 hundred fifty percent of the poverty level established
23 by the federal office of management and budget, one
24 dollar for each dollar deposited in an education
25 savings account.

26 b. For an applicant whose income is between one
27 hundred fifty and one hundred ninety-nine percent of
28 the federal poverty level established by the federal
29 office of management and budget, fifty cents for each
30 dollar deposited in an education savings account.

31 c. For an applicant whose income is between two
32 hundred and two hundred fifty percent of the federal
33 poverty level established by the federal office of
34 management and budget, twenty-five cents for each
35 dollar deposited in an education savings account.

36 Matching funds for a year shall not exceed two
37 thousand dollars if the beneficiary is not the
38 trustor. If the beneficiary is the trustor, matching
39 funds and funds contributed by the trustor shall not
40 exceed two hundred dollars per year and the total
41 matching funds and trustor contributions shall each
42 not exceed two thousand dollars.

43 When the trustor submits evidence to the commission
44 that distribution has been made from an education
45 savings account and the distribution is used
46 exclusively to pay certified eligible education
47 expenses incurred by the trustor for the beneficiary,
48 the college aid commission shall make distribution of
49 moneys in the Iowa college trust fund that have been
50 designated for the trustor in an amount not to exceed

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- 1 the difference between the certified eligible
- 2 education expenses of the beneficiary for the year and
- 3 the distribution from the education savings account.
- 4 When a beneficiary is no longer eligible for

5 distribution of funds from an education savings
6 account, any funds remaining in the Iowa college trust
7 fund that have been designated for that beneficiary
8 shall have the designation removed.

9 For the purposes of this subsection, an education
10 savings account is a trust created or organized in the
11 United States for the exclusive benefit of the one
12 individual named by the trustor.

13 2. The trust must meet the following requirements:

14 a. The trustee must be a bank, credit union,
15 savings and loan association, or a person who
16 demonstrates to the satisfaction of the director of
17 the department of revenue and finance that the manner
18 in which the person will administer the trust will be
19 consistent with the requirements of this section.

20 b. The trust funds shall not be invested in life
21 insurance contracts.

22 c. The interest of the trustor in the balance of
23 the trust shall be nonforfeitable.

24 d. The assets of the trust shall not be commingled
25 with other property except in a common trust fund or a
26 common investment fund.

27 e. The books and records of the trust shall be
28 kept in accordance with this subsection using the tax
29 year of the trustor and the tax year shall be
30 specified in the governing instrument.

31 f. The trust shall be created to be an education
32 savings account for the benefit of one named
33 individual, and the date of birth of the named
34 individual shall be specified. A trustor may
35 establish only one trust under this subsection.

36 g. Contributions shall be accepted only from the
37 trustor.

38 h. Contributions shall be accepted only in cash.

39 i. If the beneficiary is not the trustor, a
40 balance in the account on the day after the day on
41 which the beneficiary attains thirty years of age, or,
42 if earlier, the date on which the beneficiary dies,
43 shall be distributed on that date; ninety percent to
44 the trustor and ten percent to the college aid trust
45 fund established in section 261.90.

46 j. If the beneficiary is the trustor, a balance in
47 the account on the day after the day on which the
48 beneficiary attains sixty-five years of age, or, if
49 earlier, the date on which the beneficiary retires or
50 dies, shall be distributed on that date, ninety

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1 percent to the trustor, or the trustor's estate, and
 2 ten percent to the college aid trust fund established
 3 in section 261.90.

4 k. A beneficiary may be the named individual in
 5 only one education savings account.

6 3. For purposes of this section, the following
 7 definitions apply:

8 a. "Named individual" or "beneficiary" means an
 9 eligible individual specified in the written governing
 10 instrument of an education savings account.

11 b. "Eligible individual" means an individual who
 12 is the trustor of the account or is a son, daughter,
 13 stepson, or stepdaughter of the trustor of the
 14 account, or a descendant of any of the individuals
 15 listed.

16 4. For purposes of this section, a custodial
 17 account shall be treated as a trust if the assets of
 18 the account are held by a bank, credit union, savings
 19 and loan association, or another person who
 20 demonstrates to the satisfaction of the director, that
 21 the manner in which that person will administer the
 22 account will be consistent with the requirements of
 23 this subsection, and if the custodial account would,
 24 except for the fact that it is not a trust, constitute
 25 an education savings account. In the case of a
 26 custodial account treated as a trust by reason of the
 27 preceding sentence, the custodian of the account shall
 28 be treated as the trustee of the account."

29 12. By renumbering as necessary.

RICHARD VARN

S-3976

1 Amend the amendment, S-3603, to House File 600, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 1, by striking lines 3 through 33 and
 5 inserting the following:

6 "___ . Page 1, by striking lines 30 through 32,
 7 and inserting the following:

8 "c. A person establishing a protected area which
 9 is sixty-six feet in width and which is comprised of
 10 land which is eligible under the federal conservation
 11 reserve program established in 16 U.S.C. ch. 58, shall
 12 apply to enter into a contract with the United States
 13 department of agriculture. If a person applies to

14 enter into such a contract, and the land is eligible
15 under the federal conservation reserve program, but
16 the county in which the land is located has reached
17 its allowable quota of eligible land under the
18 program, the person shall be reimbursed by the state
19 in the same amount as would have been provided under
20 the federal conservation reserve program. If a person
21 is eligible to receive state funding under this
22 paragraph, the person may use the protected area for
23 grazing. The commission shall adopt rules which
24 provide that if a person is reimbursed by the state
25 under this paragraph, the person may participate in
26 the program for a period of less than ten years. The
27 division of soil conservation of the department of
28 agriculture and land stewardship, in cooperation with
29 the department of natural resources, shall develop a
30 plan for reimbursement to persons eligible for
31 reimbursement under this paragraph and shall submit
32 the plan to the general assembly by January 1, 1990.
33 d. The division of soil conservation of the
34 department of agriculture and land stewardship, in
35 cooperation with the department of natural resources,
36 shall develop a plan to be submitted to the general
37 assembly by January 1, 1990, which provides for
38 reimbursement to persons who establish protected areas
39 and implement alternative vegetation practices on the
40 protected areas. The plan shall provide that if a
41 person establishing a protected area is eligible for
42 and receives funding under the federal conservation
43 reserve program for implementation of alternative
44 vegetation practices, the state shall provide
45 sufficient funding to reimburse the person in the
46 amount which is not reimbursed under the federal
47 conservation reserve program. The plan shall also
48 provide that if a person establishes a protected area
49 of one rod as prescribed under paragraph "a", the
50 person shall be reimbursed by the state for the cost

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1 of implementation of alternative vegetation practices
2 on the protected area established. Additionally, the
3 plan shall provide recommendations regarding a funding
4 source for payment of such reimbursement."
5 2. By renumbering and relettering as necessary.

RICHARD VARN
PAT DELUHERY
ALVIN MILLER

S-3977

- 1 Amend House File 778, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. By striking page 9, line 33, through page 10,
- 4 line 4.

RICHARD VARN

S-3978

- 1 Amend House File 774 as amended, passed, and
- 2 reprinted by the House, as follows:

DIVISION S—3978B

- 3 1. Page 1, by striking line 34, and inserting the
- 4 following: "expend \$50,000 to implement a program for
- 5 basic arts education, \$154,000 to".
- 6 2. Page 1, line 35, by inserting after the word
- 7 "program," the following: "\$154,000 to".
- 8 3. Page 2, line 1, by inserting after the word
- 9 "and" the following: "\$45,000 to".
- 10 4. Page 2, line 24, by striking the word "moneys"
- 11 and inserting the following: "\$50,000".
- 12 5. Page 2, line 25, by inserting after the word
- 13 "and" the following: "\$166,672".
- 14 6. Page 2, line 27, by inserting after the word
- 15 "and" the following: "\$40,000 for".
- 16 7. Page 4, by inserting after line 4, the
- 17 following:
- 18 "___ . IOWA PEACE INSTITUTE
- 19 For allocation to the Iowa peace institute
- 20 established in chapter 38:
- 21 \$ 250,000".
- 22 8. Page 5, by inserting after line 12, the
- 23 following:
- 24 "Sec. 100. Notwithstanding section 8.33, moneys
- 25 appropriated in 1988 Iowa Acts, chapter 1284, section
- 26 1, subsection 8, that remain unobligated and
- 27 unencumbered on June 30, 1989, shall not revert to the
- 28 general fund of the state, but shall remain available
- 29 for expenditure for the purpose specified until June
- 30 30, 1990."
- 31 9. Page 6, by striking lines 33 and 34, and
- 32 inserting the following: "assembly, for the".
- 33 10. Page 7, line 9, by striking the figure
- 34 "100,000" and inserting the following: "200,000".
- 35 11. Page 7, by striking lines 10 through 13 and

36 inserting the following: "deducted from the moneys
37 appropriated in this subsection; if the nursing loan
38 program".

39 12. Page 7, by inserting after line 22, the
40 following:

41 "As a condition, limitation, and qualification of
42 the appropriation in this subsection, the college aid
43 commission shall develop plans for administering a
44 work for college program if a work for college program
45 is enacted by the general assembly. The college aid
46 commission shall define a methodology for selecting
47 participants, shall identify appropriate employment
48 opportunities, and shall report its plans to the
49 education appropriations subcommittee not later than
50 January 15, 1990."

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DIVISION S—3978B (cont'd.)

1 13. Page 9, by striking line 13, and inserting
2 the following:

3 "..... FTEs 126.85".

4 14. Page 9, line 16, by striking the word
5 "moneys" and inserting the following: "70,000".

6 15. Page 9, line 18, by inserting after the words
7 "students and" the following: "\$25,000".

8 16. Page 9, line 30, by striking the word
9 "moneys" and inserting the following: "\$45,000".

10 17. Page 11, line 15, by striking the word
11 "moneys" and inserting the following: "\$50,000".

12 18. Page 13, line 9, by inserting after the word
13 "Provide" the following: "a plan for".

14 19. Page 13, by striking lines 20 through 25.

15 20. Page 13, by inserting before line 26, the
16 following:

17 "___ . Develop and begin implementation of a
18 program plan for administrative staff development for
19 school corporation administrators. The plan shall
20 include program goals, specific activities for meeting
21 those goals, and an implementation process and
22 delivery system, with consideration given to existing
23 staff development efforts by area education agencies
24 and school districts. Incentives for encouraging
25 administrators to participate in the program shall be
26 identified.

27 Notwithstanding the maximum number of full-time
28 equivalent employees authorized in subsection 1, the
29 department may employ a full-time equivalent
30 individual to assist the employees of the department

31 in fulfilling the requirements of this subparagraph.”

32 21. Page 14, line 22, by striking the word

33 “paragraph” and inserting the following:

34 “subparagraph”.

35 22. Page 16, by inserting after line 22 the

36 following:

37 “Notwithstanding section 301.1, as a condition,

38 limitation, and qualification of this subsection, the

39 department of education shall only make payments under

40 this subsection for a nonpublic school pupil who at-

41 tends a nonpublic school that uses a multicultural,

42 nonsexist approach, as that approach is required for

43 school districts under section 256.11.”

44 23. Page 16, by inserting after line 22 the

45 following:

46 “It is the intent of the general assembly that if

47 the moneys appropriated in this subsection are insuf-

48 ficient to make the payments to nonpublic school

49 pupils under this subsection, for the fiscal year

50 beginning July 1, 1989, the department of education

Page 3

DIVISION S—3978B (cont'd.)

1 may seek supplemental funding for those payments from
2 the general assembly meeting in 1990.”

3 24. Page 16, line 33, by striking the word

4 “fifteen” and inserting the following: “twenty”.

5 25. Page 23, by striking lines 17 and 18 and in-

6 serting the following: “shall prepare the regulatory

7 flexibility analysis required in section 17A.31 for

8 rules proposed or adopted under chapter 23A.”

9 26. Page 37, by inserting after line 13 the

10 following:

11 “Sec. 110. Notwithstanding section 442.10, the

12 amounts deducted from the portions of school district

13 budgets that fund special education support services

14 in an area education agency under section 442.10, for

15 each of the fiscal years beginning July 1, 1988, and

16 July 1, 1989, in an amount not exceeding \$300,000 for

17 each fiscal year, shall not be deposited in the

18 general fund of the state, but shall be paid to area

19 education agencies that have fewer than three and one-

20 half public school pupils per square mile, to be

21 expended for special education support services of the

22 area education agencies for the fiscal years beginning

23 July 1, 1989, and July 1, 1990.”

DIVISION S—3978A

24 27. Page 38, by inserting after line 32 the fol-
25 lowing:

26 "Sec. ____ . NEW SECTION. 256.34 CERTIFICATES FOR
27 NEW JOBS TRAINING PROGRAMS.

28 1. The department of education shall ensure that
29 an area school that issues and sells certificates to
30 pay the costs of new jobs training programs under
31 section 280B.6 shall meet the requirement that
32 administrative costs include only the following as
33 they relate to programs funded by the certificates:

34 a. Auditing and accounting costs.

35 b. The portion of general administration and
36 business office costs at an area school that are
37 attributable to the programs.

38 c. Staffing costs for the economic development
39 staff of the area school.

40 d. The portion of media services costs at an area
41 school that are attributable to the programs.

42 e. Costs of staff development for employees of the
43 area school that are necessary for the programs.

44 f. Costs of necessary equipment.

45 g. Costs of innovative programs developed to
46 support economic development in communities.

47 h. Costs of issuance of the certificates.

48 i. Payments to the special fund created in section
49 280B.6, subsection 4.

50 2. Annually, each area school shall notify the

Page 4

DIVISION S—3979A (cont'd.)

1 department of education of the total value of
2 certificates issued and sold under section 280B.6 and
3 the names of the purchasers.

4 Sec. ____ . NEW SECTION. 256.35 REPORTS REQUIRED.

5 Not later than December 15 of each year, for the
6 preceding fiscal year, each area school shall report
7 to the department of education, the joint education
8 appropriations subcommittee, and the legislative
9 fiscal bureau its expenditures related to industrial
10 new jobs training programs under chapter 280B."

11 28. Page 39, by inserting after line 3 the fol-

DIVISION S—3979B (cont'd.)

12 lowing:

13 "Sec. ____ . Section 261.12, subsection 1, paragraph

14 b, Code 1989, is amended by striking the paragraph and

15 inserting in lieu thereof the following:

16 b. For the fiscal year beginning July 1, 1989, and
17 for each following fiscal year, two thousand five
18 hundred dollars.”

19 29. Page 49, by inserting after line 10, the
20 following:

21 “Sec. ____ . Section 282.19, Code 1989, is amended
22 to read as follows:

23 282.19 CHILD LIVING IN FOSTER CARE FACILITY.

24 A child who is living in a licensed child foster
25 care facility as defined in section 237.1, ~~in this~~
26 ~~state or in a facility that provides residential~~
27 treatment as “facility” is defined in section 125.2,
28 which is located in a school district other than the
29 school district in which the child resided before
30 receiving foster care may enroll in and attend an
31 accredited school in the school district in which the
32 child is living. The instructional costs for students
33 who do not require special education shall be paid as
34 provided in section 282.31, subsection 1, paragraph
35 “b” or for students who require special education
36 shall be paid as provided in section 282.31,
37 subsections 2 or 3.”

38 30. Page 50, by inserting after line 17 the
39 following:

40 “Sec. ____ . 1989 Iowa Acts, Senate File 59, section
41 1, unnumbered paragraphs 2, 3, 4, 9, 10, 11, and 12,
42 are amended to read as follows:

43 By September 15 of the preceding school year the
44 parent or guardian shall informally notify the
45 district of residence, and not later than November 1
46 of the preceding school year, the parent or guardian
47 shall send notification to the district of residence
48 and to the department of education on forms prescribed
49 by the department of education that the parent or
50 guardian intends to enroll the parent’s or guardian’s

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DIVISION S—3978B (cont’d.)

1 child in a public school in another school district.
2 The parent or guardian shall describe the reason that
3 exists for enrollment in the receiving district that
4 is not present in the district of residence. The
5 board of the district of residence shall transmit a
6 copy of the form to the receiving school district
7 within five days after its receipt. During the 1990-
8 1991 school year, if the board of the district of
9 residence determines that transmission of the request

10 will result in a loss of greater than five percent of
11 the district's certified enrollment for ~~that the~~
12 previous year, the board of the district of residence
13 may deny the request for the 1990-1991 school year.
14 During the 1991-1992 school year, if the board of the
15 district of residence determines that transmission of
16 the request will result in a loss of greater than ten
17 percent of the district's certified enrollment for the
18 previous year, the board of the district of residence
19 may deny the request for the 1991-1992 school year.
20 If, however, a failure to transmit a request will
21 result in enrollment of students from the same nuclear
22 family in different school districts, the request
23 shall be transmitted to the receiving district for
24 enrollment. The board of each school district shall
25 adopt a policy relating to the order in which requests
26 for enrollment in other districts shall be considered.
27 The board of the receiving school district shall
28 enroll the pupil in a school in the receiving district
29 for the following school year unless the receiving
30 district does not have classroom space for the pupil.
31 In all districts involved with volunteer or court-
32 ordered desegregation, minority and nonminority
33 student ratios shall be maintained according to the
34 desegregation plan or order. The superintendent of a
35 district subject to volunteer or court-ordered
36 desegregation may deny a request for transfer under
37 this section if the superintendent finds that
38 enrollment or release of a pupil will adversely affect
39 the district's implementation of the desegregation
40 order or plan. If, however, a transfer request would
41 facilitate a voluntary or court-ordered desegregation
42 plan, the district shall give priority to granting the
43 request over other requests. A parent or guardian,
44 whose request has been denied because of a
45 desegregation order or plan, may appeal the decision
46 of the superintendent to the board of the district in
47 which the request was denied. The board may either
48 uphold or overturn the superintendent's decision. A
49 decision of the board to uphold the denial of the
50 request is subject to appeal under section 290.1.

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DIVISION S—3978B (cont'd.)

1 Each district shall provide notification to the
2 parent or guardian relating to the transmission or
3 denial of the request. A district of residence shall
4 provide for notification of transmission or denial to

5 a parent or guardian within three days of board action
6 on the request. A receiving district shall provide
7 notification to a parent or guardian, within fifteen
8 days of receipt of the request, of whether the child
9 will be enrolled in that district or whether the
10 request is to be denied.

11 A request under this section is for a period of not
12 less than four years unless the pupil will graduate,
13 the pupil's family moves to another school district,
14 or the parent or guardian petitions the receiving
15 district for permission to enroll the child in a
16 different district, which may include the district of
17 residence, within the four-year period. If the parent
18 or guardian requests permission of the receiving
19 district to enroll the child in a different district
20 within the four-year period, the receiving district
21 school board may transmit a copy of the request to the
22 other school district within five days of the receipt
23 of the request. The new receiving district shall
24 enroll the pupil in a school in the district unless
25 there is insufficient classroom space in the district
26 or unless enrollment of the pupil would adversely
27 affect court ordered or voluntary desegregation orders
28 affecting a district. A denial of a request to change
29 district enrollment within the four-year period shall
30 be subject to appeal under section 290.1.

31 The board of directors of the district of residence
32 shall pay to the receiving district the lower district
33 cost per pupil of the two districts, plus any moneys
34 received for the pupil as a result of non-English
35 speaking weighting under section 442.4, subsection 6,
36 for each school year. The district of residence shall
37 also transmit the phase III moneys allocated to the
38 district for the full-time equivalent attendance of
39 the pupil, who is the subject of the request, to the
40 receiving district specified in the request for
41 transfer. **However, if the district of residence has**
42 **outstanding obligations on school bonds, has entered**
43 **into a rental or lease arrangement under section**
44 **279.26, or has entered into a loan agreement in**
45 **anticipation of the collection of the schoolhouse tax**
46 **under section 297.36, only fifty percent of the**
47 **property tax portion of the district cost per pupil**
48 **shall be paid to the receiving district for the first**
49 **three years of the transfer, unless the debt is paid**
50 **before the end of the three years. If the debt is**

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DIVISION S—3978B (cont'd.)

1 paid in less than three years from the date of the
2 transfer or if three years pass, from the date of the
3 transfer, without retirement of the district of
4 residence's debt obligation, whichever date is sooner,
5 the full amount of the district cost per pupil shall
6 then be paid to the receiving district. If a request
7 filed under this section is for a child requiring
8 special education under chapter 281, the request to
9 transfer to the other district shall only be granted
10 if the receiving district maintains a special
11 education instructional program which is appropriate
12 to meet the child's educational needs and the
13 enrollment of the child in the receiving district's
14 program would not cause the size of the class in that
15 special education instructional program in the
16 receiving district to exceed the maximum class size in
17 rules adopted by the state board of education for that
18 program. For pupils requiring special education, the
19 board of directors of the district of residence shall
20 pay to the receiving district the actual costs
21 incurred in providing the appropriate special
22 education. Quarterly payments shall be made to the
23 receiving district. If the transfer of a pupil from
24 one district to another results in a transfer from one
25 area education agency to another, the sending district
26 shall forward a copy of the request to the sending
27 district's area education agency. The receiving
28 district shall forward a copy of the request to the
29 receiving district's area education agency. Any
30 moneys received by the area education agency of the
31 sending district for the child who is the subject of
32 the request shall be forwarded to the receiving
33 district's area education agency. Notwithstanding
34 section 285.1 relating to transportation of
35 nonresident pupils, the parent or guardian is
36 responsible for transporting the pupil without
37 reimbursement to and from a point on a regular school
38 bus route of the receiving district. A receiving
39 district shall not send school vehicles into the
40 district of residence of the pupil using the open
41 enrollment option under this section, for the purpose
42 of transporting the pupil to and from school in the
43 receiving district, ~~unless~~. If the child meets the
44 economic eligibility requirements, established under
45 the federal National School Lunch and Child Nutrition

46 Acts, 42 U.S.C. § 1751-1785, for free or reduced price
47 lunches. If the child meets those requirements, the
48 sending district shall be responsible for providing
49 transportation or paying the pro rata cost of the
50 transportation to a parent or guardian for

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DIVISION S—3978B (cont'd.)

1 transporting the child to and from a point on a
2 regular school bus route of a contiguous receiving
3 district unless the cost of providing transportation
4 or the pro rata cost of the transportation to a parent
5 or guardian exceeds the average transportation cost
6 per pupil transported for the previous school year in
7 the district. If the cost exceeds the average
8 transportation cost per pupil transported for the
9 previous school year, the sending district shall only
10 be responsible for that average per pupil amount. A
11 sending district which provides transportation for a
12 child to a contiguous receiving district under this
13 paragraph may withhold from the district cost per
14 pupil amount, that is to be paid to the receiving
15 district, an amount which represents the average or
16 pro rata cost per pupil for transportation, whichever
17 is less.

18 A student who has been paying tuition and attending
19 school on or before June 1, 1989, in a district other
20 than the student's district of residence shall be
21 permitted to attend school in the district where the
22 student has been paying tuition, during the 1989-1990
23 school year, by filing a request to use the open
24 enrollment option under this section by August 1,
25 1989.

26 A student, whose district of residence, for the
27 purposes of school attendance, changes ~~during the~~ by
28 August 1, 1989-1990 school year, shall be permitted to
29 attend school during the 1989-1990 school year in the
30 district in which the student attended during the
31 1988-1989 school year if a request to use the open
32 enrollment option under this section is filed by
33 August 1, 1989.

34 If a child, for which a request to transfer has
35 been filed with ~~the a~~ district of residence, has been
36 suspended or expelled in the district of residence,
37 the receiving district named in the request may refuse
38 the request to transfer until the child has been
39 reinstated in the sending district of residence.

40 A laboratory school under chapter 265 shall be

41 ~~exempt from permitted to participate in open~~
 42 ~~enrollment under the provisions of this section.~~
 43 However, if a child transfers to a laboratory school
 44 under this section, the district of residence shall
 45 retain the per pupil moneys generated by the inclusion
 46 of the child in the district's certified enrollment."

47 31. Page 50, by inserting before line 18, the
 48 following:

49 "Sec. ____ . NOTIFICATION OF RECEIPT OF NONSTATE
 50 FUNDS. All constitutional and statutory offices,

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DIVISION S—3978B (cont'd.)

1 administrative departments, and independent agencies
 2 shall notify the department of management, the
 3 chairpersons, vice chairpersons, and ranking members
 4 of the senate and house of representatives' committees
 5 on appropriations and of the appropriate joint
 6 appropriations subcommittees, and the legislative
 7 fiscal bureau of any request for, approval of, or an
 8 award of federal or other nonstate funds, or of the
 9 loss of federal or other nonstate funds during the
 10 fiscal period beginning October 1, 1988, and ending
 11 September 30, 1989. The notification shall be made no
 12 later than December 15, 1989, and shall include the
 13 name of the grantor and of the funding grant, the
 14 estimated amount of funds, and the planned
 15 expenditures for the funds."

16 32. Page 50, line 25, by striking the word and
 17 figure "and 24" and inserting the following: "24,
 18 100, and 110".

COMMITTEE ON APPROPRIATIONS
 JOE WELSH, Chairperson

S-3979

1 Amend House File 774 as follows:
 2 1. Page 6, line 4, by striking the word
 3 "information" and inserting the following: "study".
 4 2. Page 6, line 23, by inserting after the word
 5 "services," the following: "health care institutions,
 6 medical education providers,".
 7 3. Page 13, by striking line 15 and inserting the
 8 following: "actively involved in programs for student
 9 teachers."
 10 4. Page 28, line 21, by striking the words

11 "appropriation made in paragraph "g", subparagraph
 12 (1)" and inserting the following: "appropriations
 13 made in this section".

14 5. Page 28, line 22, by striking the words "that
 15 subparagraph" and inserting the following: "this
 16 section".

17 6. Page 29, by inserting after line 11 the
 18 following:

19 "___ . As a condition, limitation, and
 20 qualification of the appropriations made in this
 21 section, all aborted fetuses and other products of
 22 conception shall be properly disposed of, and shall
 23 not be sold or used for experimentation or
 24 transplantation."

25 7. By renumbering and relettering as necessary.

RAY TAYLOR

HOUSE AMENDMENT TO
 SENATE FILE 186

S-3980

1 Amend Senate File 186, as passed by the Senate, as
 2 follows:

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

5 "Section 1. NEW SECTION. 217.38 RESTITUTION TO
 6 INDIVIDUALS OF JAPANESE ANCESTRY.

7 Notwithstanding any other law of this state,
 8 payments paid to an eligible individual of Japanese
 9 ancestry under section 105 of the Civil Liberties Act
 10 of 1988, Pub. L. 100-383, Title I, shall not be
 11 considered as income or an asset for determining the
 12 eligibility for state or local government benefit or
 13 entitlement programs. The proceeds are not subject to
 14 recoupment for the receipt of governmental benefits or
 15 entitlements and liens, except liens for child
 16 support, are not enforceable against these sums for
 17 any reason."

18 2. Page 1, by inserting after line 7 the
 19 following:

20 "Sec. 10. Section 422.7, Code 1989, is amended by
 21 adding the following new subsection:

22 NEW SUBSECTION. 19. Subtract, to the extent
 23 included, the amounts paid to an eligible individual
 24 under section 105 of the Civil Liberties Act of 1988,
 25 Pub. L. 100-383, Title I, as satisfaction for a claim

26 against the United States arising out of the
27 confinement, holding in custody, relocation, or other
28 deprivation of liberty or property of an individual of
29 Japanese ancestry.”

30 3. Page 1, by inserting after line 7, the
31 following:

32 “Sec. 100. NEW SECTION. 422.11B MINIMUM TAX
33 CREDIT.

34 1. There is allowed as a credit against the tax
35 determined in section 422.5, subsection 1, paragraphs
36 “a” through “j” for a tax year an amount equal to the
37 minimum tax credit for that tax year.

38 The minimum tax credit for a tax year is the
39 excess, if any, of the adjusted net minimum tax
40 imposed for all prior tax years beginning on or after
41 January 1, 1987, over the amount allowable as a credit
42 under this section for those prior tax years.

43 2. The allowable credit under subsection 1 for a
44 tax year shall not exceed the excess, if any, of the
45 tax determined in section 422.5, subsection 1,
46 paragraphs “a” through “j” over the state alternative
47 minimum tax as determined in section 422.5, subsection
48 1, paragraph “k”.

49 The net minimum tax for a tax year is the excess,
50 if any, of the tax determined in section 422.5,

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1 subsection 1, paragraph “k” for the tax year over the
2 tax determined in section 422.5, subsection 1,
3 paragraphs “a” through “j” for the tax year.

4 The adjusted net minimum tax for a tax year is the
5 net minimum tax for the tax year reduced by the amount
6 which would be the net minimum tax if the only item of
7 tax preference taken into account was that described
8 in paragraph (6) of section 57(a) of the Internal
9 Revenue Code.

10 Sec. 101. Section 422.33, Code 1989, is amended by
11 adding the following new subsection:

12 NEW SUBSECTION. 9. a. There is allowed as a
13 credit against the tax determined in subsection 1 for
14 a tax year an amount equal to the minimum tax credit
15 for that tax year.

16 The minimum tax credit for a tax year is the
17 excess, if any, of the adjusted net minimum tax
18 imposed for all prior tax years beginning on or after
19 January 1, 1987, over the amount allowable as a credit
20 under this subsection for those prior tax years.

21 b. The allowable credit under paragraph “a” for a
22 tax year shall not exceed the excess, if any, of the

23 tax determined in subsection 1 over the state
 24 alternative minimum tax as determined in subsection 4.
 25 The net minimum tax for a tax year is the excess,
 26 if any, of the tax determined in subsection 4 for the
 27 tax year over the tax determined in subsection 1 for
 28 the tax year.
 29 The adjusted net minimum tax for a tax year is the
 30 net minimum tax for the tax year reduced by the amount
 31 which would be the net minimum tax if the only item of
 32 tax preference taken into account was that described
 33 in paragraph (6) of section 57(a) of the Internal
 34 Revenue Code.
 35 Sec. 102. Section 422.60, Code 1989, is amended by
 36 adding the following new subsection:
 37 NEW SUBSECTION. 3. a. There is allowed as a
 38 credit against the tax determined in section 422.63
 39 for a tax year an amount equal to the minimum tax
 40 credit for that tax year.
 41 The minimum tax credit for a tax year is the
 42 excess, if any, of the adjusted net minimum tax
 43 imposed for all prior tax years beginning on or after
 44 January 1, 1987, over the amount allowable as a credit
 45 under this subsection for those prior tax years.
 46 b. The allowable credit under paragraph "a" for a
 47 tax year shall not exceed the excess, if any, of the
 48 tax determined in section 422.63 over the state
 49 alternative minimum tax as determined in subsection 2.
 50 The net minimum tax for a tax year is the excess,

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1 if any, of the tax determined in subsection 2 for the
 2 tax year over the tax determined in section 422.63 for
 3 the tax year.
 4 The adjusted net minimum tax for a tax year is the
 5 net minimum tax for the tax year reduced by the amount
 6 which would be the net minimum tax if the only item of
 7 tax preference taken into account was that described
 8 in paragraph (6) of section 57(a) of the Internal
 9 Revenue Code."
 10 4. Page 1, by inserting after line 7 the
 11 following:
 12 "Sec. ____ . Section 422.61, subsection 1, Code
 13 1989, is amended to read as follows:
 14 1. "Financial institution" means a state bank as
 15 defined in section 524.103, subsection 19, a state
 16 bank chartered under the laws of any other state, a
 17 national banking association ~~having its principal~~
 18 ~~office within this state~~, a trust company, a federally
 19 chartered savings and loan association, an out-of-

20 state state chartered savings bank, a financial
21 institution chartered by the federal home loan bank
22 board, a non-Iowa chartered savings and loan
23 association, an association incorporated or authorized
24 to do business under chapter 534, or a production
25 credit association.”

26 5. Page 2, line 6, by striking the words and
27 figure “Section 1 of this Act is” and inserting the
28 following: “Sections 1 and 10 of this Act are”.

29 6. Page 2, by inserting after line 7 the
30 following:

31 “Sec. ____ Sections 100, 101, and 102 of this Act
32 apply retroactively to January 1, 1987, for tax years
33 beginning on or after that date.”

34 7. Title page, line 2, by inserting after the
35 word “Code” the following: “and treatment of payments
36 to individuals of Japanese ancestry”.

37 8. Title page, line 2, by inserting after the
38 word “Code,” the following: “providing minimum tax
39 credits,”.

40 9. Title page, line 2, by inserting after the
41 word “Code,” the following: “relating to the
42 franchise tax and”.

43 10. By renumbering, relettering, or redesignating
44 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 153

S-3981

1 Amend Senate File 153, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 1, line 3, by striking the words
4 “INVESTIGATIONS DIVISION, DEPARTMENT OF” and inserting
5 the following: “INVESTIGATIONS DEBT SET OFF”.

6 2. Page 1, by striking line 4.

7 3. Page 1, line 6, by inserting after the word
8 “appeals” the following: “and the department of human
9 services”.

10 4. Page 1, line 16, by inserting after the figure
11 “21” the following: “in regard to money owed to the
12 state for public assistance overpayments. The
13 department of human services shall adopt rules under
14 chapter 17A necessary to assist the department of
15 revenue and finance in the implementation of the
16 setoff under section 421.17, subsection 21, in regard
17 to collections by the child support recovery unit and

18 the foster care recovery unit".

19 5. Page 5, by striking lines 26 through 31.

20 6. Title page, by striking lines 3 through 5, and

21 inserting the following: "by the investigations

22 division, and use tax."

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 71

S-3982

1 Amend the Senate amendment, H-4155, to House File
2 71, as passed by the House, as follows:

3 1. Page 1, by striking lines 14 through 17 and

4 inserting the following: "peer review court pilot

5 project. The chief judge of the district shall".

HOUSE AMENDMENT TO
SENATE FILE 519

S-3983

1 Amend Senate File 519, as amended, passed, and

2 reprinted by the Senate, as follows:

3 1. By striking page 1, line 4, through page 2,

4 line 2, and inserting the following:

5 "The board of parole is created to consist of five
6 members; ~~three members who shall devote their full~~
7 ~~time to the parole and work release system and two~~
8 ~~members who shall be part-time. Each member shall be~~
9 ~~compensated on a day-to-day basis.~~ Each member shall

10 serve a term of ~~four~~ five years beginning ~~and ending~~
11 ~~as provided by section 69.19 July 1,~~ except

12 ~~appointments for members appointed~~ to fill vacancies
13 who shall serve for the balance of the unexpired term.

14 The terms shall be staggered. The chairperson of the
15 board shall be ~~elected by the members of the board to~~
16 ~~a term of one year and may serve more than one term~~

17 ~~consecutively devote at least fifty percent of the~~
18 ~~chairperson's time to board duties and business.~~ A
19 majority of the members of the board constitutes a
20 quorum to transact business.

21 Sec. ____ . Section 904A.3, Code 1989, is amended to
22 read as follows:

23 904A.3 APPOINTMENT TO BOARD OF PAROLE.

24 The governor shall appoint the chairperson and

25 other members of the board of parole, subject to
26 confirmation by the senate. The chairperson shall
27 serve at the pleasure of the governor. Vacancies
28 shall be filled in the same manner as regular
29 appointments are made.

30 Sec. ____ . Section 904A.4, Code 1989, is amended by
31 striking the section and inserting in lieu thereof the
32 following:

33 904A.4 DUTIES OF THE BOARD OF PAROLE.

34 1. The board of parole shall interview and
35 consider inmates for parole and work release and a
36 majority vote of the members is required to grant a
37 parole or work release.

38 2. The board of parole shall interview inmates
39 according to administrative rules adopted by the
40 board.

41 3. The board of parole shall gather and review
42 information regarding new parole and work release
43 programs being instituted or considered nationwide and
44 determine which programs may be useful for this state.
45 The board shall review the current parole and work
46 release programs and procedures used in this state on
47 an annual basis.

48 4. The board of parole shall increase utilization
49 of data processing and computerization to assist in
50 the orderly conduct of the parole and work release

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1 system.

2 5. The board of parole shall conduct such studies
3 of the parole and work release system as are requested
4 by the governor and the general assembly.

5 6. The board of parole shall provide technical
6 assistance and counseling related to the board's
7 purposes to public and private entities.

8 7. The board of parole shall review and make
9 recommendations to the governor regarding all
10 applications for reprieves, pardons, commutation of
11 sentences, remission of fines or forfeitures, or
12 restoration of citizenship rights as required by
13 chapter 248A.

14 8. The board of parole shall implement a risk
15 assessment program which shall provide risk assessment
16 analysis for the board.

17 Sec. ____ . NEW SECTION. 904A.4A CHAIRPERSON OF
18 THE BOARD OF PAROLE -- DUTIES.

19 The chairperson of the board of parole shall do all
20 of the following:

21 1. Act as the board's liaison with the governor

22 regarding executive clemency, parole, and work release
23 matters.

24 2. Direct, supervise, evaluate, and assign the
25 day-to-day administration of the board of parole.

26 3. Supervise and monitor parole revocations and
27 appeals.

28 4. Supervise final work release revocation case
29 reviews.

30 5. Supervise the development of rules, policies,
31 and procedures, subject to the approval of the board,
32 in cooperation with the department of corrections,
33 pertaining to the supervision of executive clemency,
34 parole, and work release.

35 6. Supervise the development of long-range parole
36 and work release planning.

37 Sec. ____ . NEW SECTION. 904A.4B EXECUTIVE
38 DIRECTOR OF THE BOARD OF PAROLE -- DUTIES.

39 The chief administrative officer of the board of
40 parole shall be the executive director. The executive
41 director shall be appointed by the chairperson,
42 subject to the approval of the board and shall serve
43 at the pleasure of the board. The executive director
44 shall do all of the following:

45 1. Advise the board on matters relating to parole,
46 work release, and executive clemency, and advise the
47 board on matters involving automation and word
48 processing.

49 2. Carry out all directives of the board.

50 3. Hire and supervise all of the board's staff

Page 3

1 pursuant to the provisions of chapter 19A.

2 4. Act as the board's liaison with the general
3 assembly.

4 5. Prepare a budget for the board, subject to the
5 approval of the board, and prepare all other reports
6 required by law.

7 6. Develop long-range parole and work release
8 planning, in cooperation with the department of
9 corrections.

10 Sec. ____ . Section 904A.5, Code 1989, is amended to
11 read as follows:

12 904A.5 ADMINISTRATION OF BOARD OF PAROLE.

13 The chairperson of the board of parole is
14 responsible directly to the governor. The board of
15 parole is attached to the department of corrections
16 for routine administrative and support services only.
17 ~~The board of parole shall appoint an executive~~
18 ~~secretary and employ a clerical staff sufficient to~~

19 carry on the necessary duties of the board. The board
 20 shall also employ personnel to serve as liaisons
 21 between the board, inmates, and staff at the state's
 22 penal and correctional facilities and to perform other
 23 duties designated by the board. The board shall
 24 submit to the director of the department of management
 25 an estimate of the funds needed for salaries,
 26 maintenance, and supplies as provided in section 8.23.

27 Sec. ____ . Section 904A.6, Code 1989, is amended to
 28 read as follows:

29 904A.6 SALARIES AND EXPENSES.

30 Each member of the board shall be paid a salary per
 31 diem as determined by the general assembly. Each
 32 member of the board; ~~the executive secretary~~; and all
 33 employees are entitled to receive, in addition to
 34 their per diem or salary, their necessary maintenance
 35 and travel expenses while engaged in official
 36 business.

37 Sec. ____ . Section 908.4, unnumbered paragraph 1,
 38 Code 1989, is amended to read as follows:

39 The parole revocation hearing shall be conducted by
 40 a parole revocation officer who is an attorney
 41 ~~appointed pursuant to section 904A.5~~. The revocation
 42 hearing shall determine the following:

43 Sec. 100. TRANSITION -- TERMS OF BOARD MEMBERS.

44 The terms of all persons serving on the board of
 45 parole on June 30, 1989, expire on that date.
 46 Notwithstanding the five-year term specified in
 47 section 904A.1, appointments of the new members of the
 48 board of parole shall be as follows:

49 1. One member to serve from July 1, 1989, to June
 50 30, 1990.

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1 2. One member to serve from July 1, 1989, to June
 2 30, 1991.

3 3. One member to serve from July 1, 1989, to June
 4 30, 1992.

5 4. One member to serve from July 1, 1989, to June
 6 30, 1993.

7 5. One member to serve from July 1, 1989, to June
 8 30, 1994.

9 Thereafter, all appointments shall be for five-year
 10 terms.

11 Sec. ____ . Section 904A.7, Code 1989, is repealed.

12 Sec. ____ . Section 100 of this Act takes effect
 13 June 30, 1989."

14 2. Title page, by striking lines 1 and 2 and
 15 inserting the following: "An Act restructuring the

- 16 board of parole and providing an effective date.”
17 3. By renumbering as necessary.

S-3984

- 1 Amend the amendment, S-3966, to House File 775, as
2 amended. passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking line 3 and inserting the
5 following: “1,979,290” and inserting the following:
6 “1,944,290”.

JOE J. WELSH

S-3985

- 1 Amend House File 774, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 49, by inserting after line 10, the
4 following:
5 “Sec. ____ . Section 280A.22, subsection 1,
6 paragraph a, Code 1989, is amended to read as follows:
7 a. In addition to the tax authorized under section
8 280A.17, the voters in any merged area may at the
9 annual school election vote a tax not exceeding twenty
10 and one-fourth cents per thousand dollars of assessed
11 value in any one year for a period not to exceed ten
12 years for the purchase of grounds, construction of
13 buildings, payment of debts contracted for the
14 construction of buildings, purchase of buildings and
15 equipment for buildings, and the acquisition of
16 libraries, for the purpose of paying costs of
17 utilities, and for the purpose of maintaining,
18 remodeling, improving, or expanding the area
19 vocational school or area community college of the
20 merged area. ~~If the tax levy is approved under this~~
21 ~~section, the costs of utilities shall be paid from the~~
22 ~~proceeds of the levy.~~ The tax shall be collected by
23 the county treasurers and remitted to the treasurer of
24 the merged area as provided in section 331.552,
25 subsection 29. The proceeds of the tax shall be
26 deposited in a separate and distinct fund to be known
27 as the voted tax fund, to be paid out upon warrants
28 drawn by the president and secretary of the board of
29 directors of the merged area district for the payment

30 of costs incurred in providing the school facilities
31 for which the tax was voted.”

WILMER RENSINK
JOHN KIBBIE
RICHARD VANDE HOEF
DALE L. TIEDEN
WALLY E. HORN
C. JOSEPH COLEMAN

S-3986

- 1 Amend amendment, S-3978, to House File 774, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 2, line 9, by striking the figure
5 “45,000” and inserting the following: “35,000”.
6 2. Page 3, by striking lines 48 and 49.

RICHARD VARN

S-3987

- 1 Amend the amendment, S-3978, to House File 774 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 2, by striking line 35 through page 3, line 2.

WILLIAM DIELEMAN

S-3988

- 1 Amend House File 779, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 24, by striking the figure
4 “2,102,000” and inserting the following: “2,268,000”.
5 2. Page 2, line 25, by striking the figure
6 “89.05” and inserting the following: “93.5”.
7 3. Page 2, by inserting after line 33, the
8 following:
9 “As a condition, qualification, and limitation of
10 the funds appropriated, \$142,000, or so much thereof
11 as is necessary, shall be expended for four FTEs and
12 necessary expenses, to be employed in connection with
13 the enforcement of the Iowa minimum wage law.
14 Enforcement of the Iowa minimum wage law shall not
15 begin until January 1, 1990, though moneys may be
16 expended and positions filled prior to January 1,

17 1990, to adopt required rules, and for training,
18 organization, and other preparatory purposes.”

19 4. Page 7, line 31, by striking the figure
20 “4,233,300” and inserting the following: “4,124,300”.

21 5. Page 7, line 32, by striking the figure
22 “253.50” and inserting the following: “250.50”.

23 6. Page 8, by inserting after line 2, the
24 following:

25 “Three FTE positions responsible for conducting
26 alcoholic beverage audits shall be transferred to the
27 alcoholic beverage division of the department of
28 commerce.”

29 7. Page 11, line 30, by striking the figure
30 “4,664,000” and inserting the following: “4,808,000”.

31 8. Page 11, line 31, by striking the figure
32 “83.86” and inserting the following: “87.86”.

33 9. Page 11, by inserting after line 31, the
34 following:

35 “Of the amount appropriated, \$144,000, or so much
36 thereof as is necessary, shall be expended for four
37 FTEs, and necessary expenses, including three FTEs
38 transferred from the department of inspections and
39 appeals, in connection with alcoholic beverage
40 audits.”

41 10. Page 16, by striking lines 24 through 33.

42 11. Page 20, by inserting after line 24, the
43 following:

44 “Sec. ____.

45 1. There is created in the office of the
46 treasurer of state for the racing and gaming
47 commission, an excursion boat gambling revolving fund.

48 2. There is appropriated from the general fund of
49 the state to the racing and gaming commission,
50 \$100,000, for deposit in the excursion boat gambling

Page 2

1 revolving fund.

2 3. The amount appropriated from the general fund
3 of the state in subsection 2 is appropriated from the
4 excursion boat gambling revolving fund to the
5 treasurer of state, to be transferred to and deposited
6 in the general fund of the state no later than June
7 30, 1991.

8 4. All license fees, fees, and penalties
9 collected by the racing and gaming commission in
10 connection with excursion boat gambling shall be
11 deposited into the excursion boat gambling revolving
12 fund.

13 5. There is appropriated from the excursion boat

14 gambling revolving fund to the racing and gaming
15 commission, for the fiscal year beginning July 1,
16 1989, and ending June 30, 1990, the following amount,
17 or so much thereof as is necessary, to be used for the
18 purposes designated:

19 For salaries, support, maintenance, miscellaneous
20 purposes, and for not more than the following full-
21 time equivalent positions for administration and
22 enforcement of the excursion boat gambling laws:
23 \$ 100,000
24 FTEs 2.00"

25 12. Page 25, by inserting after line 6, the
26 following:

27 "Sec. ____ . Section 514G.7, subsection 4, Code
28 1989, is amended by striking the subsection."

29 13. Page 25, by striking lines 7 through 29.

30 14. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
JOE J. WELSH, Chairperson

S-3989

1 Amend House File 753, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 30, by inserting after line 16 the
4 following:

5 "Sec. ____ . STATE AGENCIES -- CONFLICTING RULES.

6 It is the intent of the general assembly that the
7 department of natural resources make recommendations
8 to state agencies regarding agency policies which
9 conflict with the purposes of this Act. All state
10 agencies shall review rules which govern the state
11 agency, and, in accordance with recommendations made
12 by the department of natural resources, and when
13 possible, shall amend rules which conflict with the
14 purposes of this Act."

15 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3990

1 Amend House File 774, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 5, by inserting after line 12 the
4 following:

5 "Sec. ____ . Section 256.11, subsection 1, Code

6 1989, is amended to read as follows:

7 1. If a school offers a prekindergarten program,
8 the program shall be designed to help children to work
9 and play with others, to express themselves, to learn
10 to use and manage their bodies, and to extend their
11 interests and understanding of the world about them.
12 The prekindergarten program shall relate the role of
13 the family to the child's developing sense of self and
14 perception of others. Planning and carrying out
15 prekindergarten activities designed to encourage
16 cooperative efforts between home and school shall
17 focus on community resources. A Except as otherwise
18 provided in this subsection, a prekindergarten teacher
19 shall hold a certificate certifying that the holder is
20 qualified to teach in prekindergarten. A nonpublic
21 school which offers only a prekindergarten may, but is
22 not required to, seek and obtain accreditation.

23 Sec. ____ . Section 256.11, subsection 1, Code 1989,
24 is amended by adding the following new unnumbered
25 paragraph:

26 NEW UNNUMBERED PARAGRAPH. If the board of
27 directors of a school district contracts for the
28 operation of a prekindergarten program, the program
29 shall be under the oversight of an appropriately
30 certificated teacher. If the program contracted with
31 was in existence on the effective date of this Act,
32 oversight of the program shall be provided by the
33 district. If the program contracted with was not in
34 existence on the effective date of this Act, the
35 director of the program shall be a certificated
36 teacher and the director shall provide program
37 oversight. Any director of a program contracted with
38 by a school district under this section who is not a
39 certificated teacher is required to register with the
40 department of education."

41 2. Page 27, by striking line 15, and inserting
42 the following:

43 " \$ 26,827,131".

44 3. Page 31, by striking line 32, and inserting
45 the following:

46 " \$ 16,073,598".

47 4. Page 32, by striking line 2, and inserting the
48 following:

49 " \$ 600,000".

50 5. Page 37, line 4, by striking the word "The"

Page 2

1 and inserting the following: "The study shall be
2 conducted by the legislative fiscal committee and the

3 co-chairpersons and ranking members of the joint
4 education appropriations subcommittee.
5 The".
6 6. Page 50, line 14, by striking the word "The"
7 and inserting the following: "The Within fifteen days
8 following certification by the state university of
9 Iowa, the".

RICHARD VARN

HOUSE AMENDMENT TO
SENATE FILE 524

S-3991

1 Amend Senate File 524, 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 306.4, Code 1989, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 2A. a. Commencing July 1, 1990,
8 the jurisdiction and control over an extension of the
9 trunk or trunk collector system within a city with a
10 total population of less than one thousand persons
11 vests in the county board of supervisors unless the
12 city certifies by January 1, 1990, to the department
13 that the city by ordinance or resolution has elected
14 to exercise its option of having the jurisdiction and
15 control over the extension vest with the city.
16 If after July 1, 1990, a city wishes to exercise
17 its option of having the jurisdiction and control over
18 the extension vest with the city, or wishes to rescind
19 its election of having jurisdiction and control over
20 the extension vest with the city, it shall certify
21 that the city has by ordinance or resolution so
22 elected or rescinded, and the effective date of the
23 election or rescission shall be July 1 following a
24 five-year period from the date of the certification of
25 the election or rescission with the department.
26 However, the jurisdictional and control change shall
27 be effective at an earlier date if the city and all
28 affected counties agree to an earlier transition date.
29 b. The population of a city for purposes of this
30 subsection, shall be the total population of the city
31 and shall be determined in the same manner as provided
32 in section 312.3, subsections 2 through 5. If
33 application of paragraph "a" changes for a city due to

34 a new federal census, a boundary annexation, or a
 35 consolidation, the effective date of the changed
 36 application of paragraph "a" shall commence July 1
 37 following the five-year period from the date of the
 38 taking of the new federal census or the date of the
 39 annexation or consolidation. However, the
 40 jurisdictional and control change shall be effective
 41 at an earlier date if the city and all affected
 42 counties agree to an earlier transition date. If the
 43 change in application is such that the exercise of
 44 jurisdiction and control is at the option of the city,
 45 the jurisdiction and control of the extension shall
 46 vest with the county board of supervisors unless the
 47 city elects to have the jurisdiction and control vest
 48 with the city as provided in paragraph "a".
 49 If the jurisdiction and control of an extension
 50 vests in the county board of supervisors under this

Page 2

1 subsection and the city extends into more than one
 2 county, each county board of supervisors shall
 3 exercise jurisdiction and control of the extension
 4 within their own county.

5 Sec. ____ . Section 309.10, unnumbered paragraph 2,
 6 Code 1989, is amended to read as follows:

7 A county shall not use farm-to-market road funds as
 8 described in this section unless the total funds that
 9 the county transferred or provided during the prior
 10 fiscal year pursuant to section 331.429, subsection 1,
 11 paragraphs "a", "b", "d", and "e", are at least
 12 ~~seventy-five~~ ninety percent of the maximum funds the
 13 county could have transferred in the prior fiscal year
 14 pursuant to section 331.429, subsection 1, paragraphs
 15 "a" and "b".

16 Sec. ____ . Section 310.10, Code 1989, is amended to
 17 read as follows:

18 **310.10 FARM-TO-MARKET ROAD SYSTEM DEFINED.**

19 The farm-to-market road system shall embrace those
 20 roads as defined in section 306.3, subsection 5.

21 However, a road which is classified as being part of
 22 the arterial or arterial connector system under
 23 chapter 306 but whose jurisdiction still vests in the
 24 county in which it is located, shall be deemed to be
 25 part of the farm-to-market road system until the time
 26 the jurisdiction of the road is transferred to the
 27 department.

28 Sec. ____ . Section 312.1, unnumbered paragraph 2,
 29 Code 1989, is amended to read as follows:

30 Notwithstanding section 453.7, subsection 2,

31 interest or earnings on investments or time deposits
32 of the moneys in the road use tax fund and the funds
33 to which moneys from the road use tax fund are
34 credited shall be credited to the respective funds
35 which generated the interest or earnings road use tax
36 fund.

37 Sec. ____ . Section 312.2, subsections 1 through 4,
38 Code 1989, are amended to read as follows:

39 1. To the primary road fund, ~~forty-five~~ forty-nine
40 percent.

41 2. To the secondary road fund of the counties,
42 ~~twenty-eight~~ twenty-three percent.

43 3. To the farm-to-market road fund, ~~nine~~ eight
44 percent.

45 4. To the street construction fund of the cities,
46 ~~eighteen~~ twenty percent.

47 Sec. ____ . Section 312.2, subsection 8, Code 1989,
48 is amended to read as follows:

49 8. The treasurer of state, before making any
50 allotments to counties under this section, shall

Page 3

1 reduce the allotment to a county for the secondary
2 road fund by the amount by which the total funds that
3 the county transferred or provided during the prior
4 fiscal year under section 331.429, subsection 1,
5 paragraphs "a", "b", "d", and "e", are less than
6 ~~seventy-five~~ ninety percent of the maximum funds that
7 the county could have transferred in the prior fiscal
8 year under section 331.429, subsection 1, paragraphs
9 "a" and "b". Funds remaining in the secondary road
10 fund of the counties due to a reduction of allocations
11 to counties for failure to maintain a minimum local
12 tax effort shall be ~~reallocated~~ credited to the
13 special bridge fund, which is hereby created, for use
14 of counties that are not reduced under this subsection
15 pursuant to the allocation provisions of section
16 312.3, subsection 1, based upon the needs and area of
17 the county transferred or provided during the prior
18 fiscal year under section 331.429, subsection 1,
19 paragraphs "a", "b", "d", and "e", not less than
20 ninety-six percent of the maximum funds that the
21 county could have transferred in the prior fiscal year
22 under section 331.429, subsection 1, paragraphs "a"
23 and "b". Moneys credited to the special bridge fund
24 shall be distributed to qualifying counties for bridge
25 projects in accordance with rules adopted by the state
26 department of transportation which shall require
27 matching funds to be provided by the county toward

28 approved bridge projects.

29 PARAGRAPH DIVIDED. Information necessary to make
30 allocations under this subsection shall be provided by
31 the state department of transportation or the director
32 of the department of management upon request by the
33 treasurer of state.

34 Sec. ____ . Section 312.2, subsection 14, Code 1989,
35 is amended to read as follows:

36 14. The treasurer of state, before making the
37 allotments provided for in this section, shall credit
38 monthly from the road use tax fund to the revitalize
39 Iowa's sound economy fund, created under section
40 315.2, the revenue accruing to the road use tax fund
41 in the amount equal to two thirds of the revenues
42 collected under each of the following:

43 a. From the excise tax on motor fuel and special
44 fuel imposed under the tax rate of section 324.3
45 except aviation gasoline:

46 (1) For the period July 1, 1985, through December
47 31, 1985, the amount of excise tax collected from two
48 cents per gallon.

49 (2) From and after January 1, 1986, the amount of
50 excise tax collected from three one and one-half cents

Page 4

1 per gallon.

2 b. From the excise tax on special fuel for diesel
3 engines:

4 (1) For the period July 1, 1985, through December
5 31, 1985, the amount of excise tax collected from one
6 cent per gallon.

7 (2) For the period January 1, 1986, through
8 December 31, 1986, the amount of excise tax collected
9 from two cents per gallon.

10 (3) From and after January 1, 1987, the amount of
11 excise tax collected from three one and one-half cents
12 per gallon.

13 Sec. ____ . Section 312.2, Code 1989, is amended by
14 adding the following new subsection:

15 NEW SUBSECTION. 14A. The treasurer of state,
16 before making the allotments provided for in this
17 section, shall credit monthly from the road use tax
18 fund to the secondary road fund the revenue accruing
19 to the road use tax fund in the amount equal to the
20 revenues collected under each of the following:

21 a. From the excise tax on motor fuel and special
22 fuel imposed under the tax rate of section 324.3,
23 except aviation gasoline, the amount of excise tax
24 collected from one-half cent per gallon.

25 b. From the excise tax on special fuel for diesel
26 engines, the amount of excise tax collected from one-
27 half cent per gallon.

28 Sec. ____ . Section 312.2, Code 1989, is amended by
29 adding the following new subsection:

30 NEW SUBSECTION. 19. a. The treasurer of state,
31 before making the allotments provided in this section,
32 shall annually credit to the secondary road fund an
33 amount to hold harmless the secondary road fund from
34 changes in the allocation formula incorporated in this
35 Act. The amount credited under this paragraph shall
36 equal the amount, if any, by which the base year
37 amount exceeds the amount of moneys credited to the
38 secondary road fund under subsection 2. For purposes
39 of this paragraph, the "base year amount" is one
40 hundred thirty-nine million eight hundred thousand
41 dollars.

42 b. The treasurer of state, before making the
43 allotments provided in this section, shall annually
44 credit to the farm-to-market road fund an amount to
45 hold harmless the farm-to-market road fund from
46 changes in the allocation formula incorporated in this
47 Act. The amount credited under this paragraph shall
48 equal the amount, if any, by which the base year
49 amount exceeds the amount of moneys credited to the
50 farm-to-market road fund under subsections 3 and 11.

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1 For purposes of this paragraph, the "base year amount"
2 is forty-six million dollars.

3 c. This subsection is repealed effective July 1,
4 1991.

5 Sec. ____ . Section 312.3, subsection 1, Code 1989,
6 is amended by striking the subsection and inserting in
7 lieu thereof the following:

8 1. Apportion among the counties the need allotment
9 of secondary road funds and the area allotment of
10 secondary road funds from road use tax funds credited
11 to the secondary road fund.

12 For the purposes of this subsection:

13 a. "Need allotment of secondary road funds" means
14 the moneys credited to the secondary road fund of the
15 counties to be distributed in accordance with needs.
16 These moneys shall be apportioned among the counties
17 in the ratio that the needs of the secondary roads of
18 each county bear to the total needs of the secondary
19 roads of the state for each fiscal year based upon the
20 total needs of secondary roads of the state as shown
21 in the latest quadrennial need study report developed

22 by the department and which is on record at the
 23 department. The need allotment of secondary road
 24 funds for the fiscal year beginning July 1, 1990, is
 25 eighty percent, and for the fiscal year beginning July
 26 1, 1991, and all succeeding fiscal years is one
 27 hundred percent, of moneys credited from the road use
 28 tax fund to the secondary road fund of the counties.

29 b. "Area allotment of secondary road funds" means
 30 the moneys credited to the secondary road fund of the
 31 counties to be distributed in accordance with area.
 32 These moneys shall be apportioned among the counties
 33 in the ratio that the area of each county bears to the
 34 total area of the state. The area allotment of
 35 secondary road funds for the fiscal year beginning
 36 July 1, 1990, is twenty percent of moneys credited
 37 from the road use tax fund to the secondary road fund
 38 of the counties.

39 Sec. ____ . Section 312.3, subsection 2, Code 1989,
 40 is amended to read as follows:

41 2. Apportion among the cities of the state, in the
 42 ratio which the population of each city, as shown by
 43 the latest available federal census, bears to the
 44 total population of all ~~such~~ cities in the state, the
 45 percentage of the road use tax funds which is credited
 46 to the street fund of the cities, and shall remit to
 47 the city clerk of each ~~such~~ city the amount so
 48 apportioned to ~~such~~ the city.

49 However, if a city has an extension of the trunk or
 50 trunk collector system within the boundaries of the

Page 6

1 city and the jurisdiction and control over the
 2 extension vests with a county board of supervisors
 3 under section 306.4, subsection 2A, a portion of the
 4 moneys otherwise allocated to a city under this
 5 section shall be allocated to the county or counties.
 6 The allocation to the county or counties shall be in
 7 the amount of all moneys otherwise allocated to a city
 8 under this section times the ratio that the vehicle
 9 miles traveled on the extension or extensions bear to
 10 the total vehicle miles traveled on the roads within
 11 the city, but in no case shall the allocation to the
 12 county or counties exceed fifty percent of all moneys
 13 otherwise allocated to a city under this section. If
 14 the extension lies within two or more counties, moneys
 15 allocated to the counties shall be apportioned among
 16 the counties in the ratio which the length of the
 17 extension or extensions within a county bears to the

18 total length of all such extensions within the city.
19 The state department of transportation shall assist
20 the treasurer of state in determining the allocation
21 of moneys under this paragraph.
22 PARAGRAPH DIVIDED. A city may have one special
23 federal census taken each decade, and the population
24 figure thus obtained shall be used in apportioning
25 amounts under this subsection beginning the calendar
26 year following the year in which the special census is
27 certified by the secretary of state.
28 Sec. ____ . NEW SECTION. 312.3A STREET RESEARCH
29 FUND.
30 Prior to the allocation to the cities under section
31 312.3, subsection 2, the department is authorized to
32 set aside each year not to exceed one-half percent of
33 the receipts of the street construction fund of the
34 cities in a fund to be known as the street research
35 fund. The street research fund shall be used by the
36 department solely for the purpose of financing
37 engineering studies and research projects which have
38 as their objective the more efficient use of funds and
39 materials that are available for the construction and
40 maintenance of city streets, including city street
41 bridges and culverts. The research projects and
42 engineering studies authorized shall be conducted in
43 cooperation with the city engineers. On or before
44 January 31 each year the department shall file a
45 report with the governor, state transportation
46 commission, city engineers, chief clerk of the house
47 of representatives, and secretary of the senate
48 showing the work accomplished and projects undertaken
49 under this section.
50 Sec. ____ . Section 312.5, Code 1989, is amended to

Page 7

1 read as follows:
2 312.5 DIVISION OF FARM-TO-MARKET ROAD FUNDS.
3 ~~The road use tax funds credited to the farm-to-~~
4 ~~market road fund by the treasurer of state are hereby~~
5 ~~divided as follows, and are to be known respectively~~
6 ~~as:~~
7 1. ~~Need allotment farm-to-market road funds, sixty~~
8 ~~percent; and~~
9 2. ~~Area allotment farm-to-market road funds, forty~~
10 ~~percent.~~
11 All farm-to-market road funds, except funds which
12 under section 310.20 come from any county's allotment
13 of the road use tax funds, shall be allotted among the
14 counties by the department. Area allotment farm-to-

15 market road funds and federal aid secondary road funds
 16 received by the state, shall be allotted among all the
 17 counties of the state in the ratio that the area of
 18 each county bears to the total area of the whole
 19 state.

20 Need allotment farm-to-market road funds shall be
 21 allotted among the counties in the ratio that the
 22 needs of the farm-to-market roads in each county bear
 23 to the total needs of the farm-to-market roads in the
 24 state for each fiscal year based upon the total needs
 25 of the farm-to-market roads in the state as shown in
 26 the latest quadrennial need study report developed by
 27 the state department of transportation, and which is
 28 on record at the department.

29 The need allotment farm-to-market road funds for
 30 the fiscal year beginning July 1, 1990, is eighty
 31 percent and for the fiscal year beginning July 1,
 32 1991, and all succeeding fiscal years is one hundred
 33 percent, of money credited from the road use tax fund
 34 to the farm-to-market road fund.

35 The area allotment farm-to-market road funds for
 36 the fiscal year beginning July 1, 1990, is twenty
 37 percent of moneys credited from the road use tax fund
 38 to the farm-to-market road fund.

39 Sec. ____ . Section 312.16, Code 1989, is amended to
 40 read as follows:

41 312.16 DEFINITION DEFINITIONS.

42 As used in this chapter, unless the context
 43 otherwise requires, "department":

44 1. "Department" means the state department of
 45 transportation.

46 2. "Fiscal year" means the period of twelve months
 47 beginning on July 1 and ending on June 30.

48 Sec. ____ . Section 315.3, subsection 2, Code 1989,
 49 is amended to read as follows:

50 2. The fund is also appropriated and shall be used

Page 8

1 for the reimbursement or payment to cities ~~or counties~~
 2 of all or part of the interest and principal on
 3 general obligation bonds issued by cities ~~or counties~~
 4 for the purpose of financing approved road and street
 5 projects meeting the requirements of subsection 1.

6 Sec. ____ . Section 315.4, Code 1989, is amended to
 7 read as follows:

8 315.4 ALLOCATION OF FUND.

9 Moneys credited to the RISE fund shall be allocated
 10 as follows:

11 1. ~~Fifty percent~~ Two-thirds for the use of the

12 department on primary road projects exclusively for
13 highways which are identified under section 307A.2 as
14 being part of the network of commercial and industrial
15 highways.

16 ~~2: Twenty-five percent for the use of counties on~~
17 ~~secondary road projects.~~

18 ~~3: 2: Twenty-five percent~~ One-third for the use
19 of cities on city street projects.

20 Sec. ____ . Section 315.5, Code 1989, is amended to
21 read as follows:

22 315.5 ADMINISTRATION OF FUND.

23 Qualifying road and street projects shall be
24 selected by the state transportation commission for
25 full or partial financing from the fund after
26 consultation with organizations representing interests
27 of counties and cities. ~~Counties and cities~~ Cities
28 may make application for qualifying road and street
29 projects with the department. In ranking applications
30 for funds, the department shall, in addition to
31 effects listed in section 315.3, subsection 1,
32 consider the proportion of political subdivision
33 matching funds to be provided, if any, the proportion
34 of private contributions to be provided, if any, the
35 total number of jobs to be created, the level of need,
36 the impact of the proposed project on the economy of
37 the area affected, and the factors and requirements in
38 section 315.11. The proportion of funding shall be
39 determined by the department or, in the case of
40 cooperative projects, by agreement between the
41 department and the city councils of participating
42 cities, or boards of supervisors of participating
43 counties, or other participating public agencies or
44 private parties.

45 Sec. ____ . Section 315.6, Code 1989, is amended to
46 read as follows:

47 315.6 FUNDING OF PROJECTS.

48 Qualifying projects may be funded as follows:

49 1. Primary road and state park road projects may
50 be financed entirely by the fund, or by combining

Page 9

1 money from the fund with money from the primary road
2 fund, federal aid primary funds received by the state,
3 money from cities or counties raised through the sale
4 of general obligation bonds of the cities or counties,
5 other city or county revenues, or money from
6 participating private parties.

7 ~~2: Secondary road, state park road, and county~~
8 ~~conservation parkway projects may be funded entirely~~

9 by the fund or by combining money from the fund with
 10 money from the county's portion of road use tax funds,
 11 federal aid secondary funds, other county revenues,
 12 money raised through the sale of general obligation
 13 bonds of the county, or money from participating
 14 private parties.

15 § 2. City street and state park road projects may
 16 be funded entirely by the fund, or by combining money
 17 from the fund with money from the city's portion of
 18 road use tax funds, federal aid urban system funds,
 19 other municipal revenues, money raised through the
 20 sale of general obligation bonds of the city, or money
 21 from participating private parties.

22 A county or city may, at its option, apply moneys
 23 allocated for use on secondary road or city street
 24 projects under section 315.4, subsection 2 or 3,
 25 toward qualifying primary road, and state park road,
 26 and county conservation parkway projects.

27 Sec. ____ . Section 315.8, Code 1989, is amended to
 28 read as follows:

29 315.8 ACCOUNTS AND RECORDS REQUIRED.

30 The department shall keep accounts in relation to
 31 the allocation of moneys to the fund including all
 32 amounts credited to the fund and all amounts of duly
 33 and finally approved vouchers for claims chargeable to
 34 the fund. The department shall also keep accounts in
 35 relation to agreements with counties and cities for
 36 the reimbursement of interest and principal costs for
 37 general obligation bonds of counties or cities issued
 38 for the purpose of financing road or street projects
 39 under this chapter.

40 Sec. ____ . All unencumbered and unobligated moneys
 41 in the RISE fund on July 1, 1989, which are allocated
 42 under section 315.4 for the use of counties on
 43 secondary road projects shall be credited to the
 44 secondary road fund.

45 Sec. ____ . The state department of transportation
 46 shall have appointed to the Iowa highway research
 47 board, at a minimum, four city engineers or engineers
 48 employed by a city. Efforts shall be made for the
 49 appointments to provide statewide geographical
 50 representation and representation among the city

Page 10

1 population groups.

2 Sec. ____ . The counties shall by January 1, 1990,
 3 make a recommendation for the allocation of secondary
 4 road fund moneys and farm-to-market road fund moneys
 5 among the counties to the governor and the general

6 assembly. Sections 8 and 11 of this Act take effect
7 July 1, 1990, unless contrary provisions providing for
8 the allocation of such moneys are enacted.

9 Sec. ____ . Section 13, and sections 15 through 17
10 of this Act do not apply to road projects which have
11 been selected by the state transportation commission
12 under section 315.5 prior to July 1, 1989.

13 Sec. ____ . There is appropriated from the road use
14 tax fund to the state department of transportation the
15 sum of \$15,000 or so much thereof as is necessary, for
16 the purpose of conducting a study, in consultation
17 with the department of natural resources and
18 representatives of cities and counties, to analyze and
19 report on the impact of waterway opening and
20 floodplain requirements existing in federal or state
21 law, regulations, administrative rules or design
22 guides, on current and future road and bridge
23 requirements, costs, and needs. The analysis shall
24 consider what economies the various road programs
25 might achieve by modifying these requirements,
26 including reducing or eliminating the liability a road
27 jurisdiction might have with current or alternative
28 future requirements for road and bridge features for
29 waterways and floodplains, including analyzing the
30 risk to and benefits for roads and bridges and the
31 risks and costs to land, improvements, and human
32 activity. The study shall recommend methods for
33 reducing the future highway program costs for
34 providing bridges in Iowa. The study shall be
35 submitted to the governor, the chief clerk of the
36 house, and the secretary of the senate not later than
37 January 31, 1990.

38 Sec. ____ . 1988 Iowa Acts, chapter 1019, sections
39 21, 23, and 24, are repealed."

40 2. Title page, line 2, by inserting after the
41 word "jurisdictions" the following: "and providing
42 effective dates".

S-3992

1 Amend the amendment, S-3978, to House File 774, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking lines 31 through 38 and
5 inserting the following:

6 "____ . By striking page 6, line 31, through page
7 7, line 5, and inserting the following:

8 "For payments for students under the guaranteed
9 loan payment program if a guaranteed loan payment

- 10 program is enacted by the general assembly:"
11 ____ . Page 7, by striking lines 7 through 22."

BEVERLY HANNON
JIM RIORDAN
TOM MANN, JR.

S-3993

- 1 Amend House File 774, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 12, by striking lines 30 through 33 and
4 inserting the following: "The media services
5 divisions of the".

LARRY MURPHY
JOY CORNING

S-3994

- 1 Amend House File 753, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 4, line 33, by inserting after the word
4 "generated." the following: "The network shall
5 utilize existing recycling companies when possible."

MICHAEL E. GRONSTAL
PAT DELUHERY

S-3995

- 1 Amend House File 753, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 1, line 21, by inserting after the word
4 "includes" the following: "but is not limited to".
5 2. Page 4, line 6, by striking the word "results"
6 and inserting the following: "may result".
7 3. Page 6, line 1, by striking the figure "1990"
8 and inserting the following: "1991".
9 4. Page 6, line 2, by striking the word and
10 figures "July 1, 1991" and inserting the following:
11 "January 1, 1992".
12 5. Page 7, line 5, by inserting after the word
13 "refrigerant" the following: ", including the
14 findings of nationwide industry surveys,".
15 6. Page 7, by striking lines 9 through 31, and
16 inserting the following:

17 "9. Identify products made from recycled or
18 recovered materials and provide a list of these
19 products to the department of general services and to
20 all other state agencies to assist in the development
21 and review of procurement specifications. The
22 director shall also develop, in cooperation with the
23 director of the department of general services, a
24 program to promote the procurement of listed products
25 and seek information from state agencies using
26 products containing recycled or recovered materials to
27 evaluate their performance. The program shall also
28 provide that the director seek information from
29 suppliers regarding product performance and recovered
30 material content of products offered for sale. Based
31 on the above evaluation, and information regarding the
32 recyclability of the components of products and their
33 longevity, and, where applicable, the energy
34 efficiency of such products, the department shall
35 publish information on recommended products for
36 procurement. This information shall be provided to
37 all state agencies as well as city and county
38 purchasing agencies."

39 7. Page 8, line 16, by inserting after the word
40 "encourage" the following: "waste reduction, and
41 the".

42 8. Page 9, by striking lines 7 through 9 and in-
43 serting the following: "to separate yard waste from
44 other solid waste generated. Municipalities which
45 provide a collection system for solid waste shall
46 provide for a collection system for yard waste which
47 is not composted."

48 9. Page 11, line 15, by inserting after the word
49 "department." the following: "A sanitary landfill
50 shall not refuse to accept a waste tire which has been

Page 2

1 properly processed."

2 10. Page 11, by striking lines 26 and 27 and
3 inserting the following:

4 "d. The permitting of waste tire collection sites,
5 waste tire processing facilities, and waste tire
6 haulers."

7 11. Page 15, line 26, by striking the words "or
8 refuse-to-energy facilities".

9 12. Page 16, line 8, by striking the figure
10 "1991" and inserting the following: "1992".

11 13. Page 16, by inserting after line 12 the
12 following:

13 "Sec. ____ . NEW SECTION. 455D.17 PLASTIC BAG AND

14 PACKAGE LABELING.

15 1. Effective July 1, 1992, a person shall not sell
 16 or offer for sale a disposable plastic bag or
 17 packaging material that does not comply with the
 18 labeling requirements of this section.

19 2. The commission shall adopt rules to establish
 20 the labeling requirements for disposable plastic bags
 21 and packaging materials. The labeling shall be
 22 designed to inform consumers and users of the products
 23 about the degradability of the bag or packaging
 24 material.

25 Sec. ____ . NEW SECTION. 455D.18 NONDEGRADABLE
 26 GROCERY BAGS AND TRASH BAGS.

27 Effective July 1, 1992, a person shall not land
 28 dispose of nondegradable plastic grocery bags or trash
 29 bags in this state unless the department determines
 30 that degradable plastic bags pose an environmental
 31 hazard."

32 14. Page 16, by striking lines 28 through 31 and
 33 inserting the following: "substances at the
 34 university of northern Iowa."

35 15. Page 16, by inserting after line 31, the
 36 following:

37 "NEW SUBSECTION. 13. The director shall review
 38 and, where necessary, revise specifications used by
 39 state agencies to procure products including but not
 40 limited to lubricating oils, retread tires, building
 41 insulation materials, and recovered materials from
 42 waste tires to ensure that the specifications allow
 43 the procurement of items containing recovered
 44 materials. Specifications shall be revised if they
 45 restrict the use of alternative materials, exclude
 46 recovered materials, or require performance standards
 47 which exclude items containing recovered materials
 48 unless the agency seeking the item can document that
 49 the use of recovered materials will hamper the
 50 intended use of the item."

Page 3

1 16. By striking page 16, line 32, through page
 2 17, line 4.

3 17. Page 18, by striking lines 18 through 22, and
 4 inserting the following:

5 "RECYCLING -- PROHIBITION.

6 The department of general services shall comply
 7 with the recycling goal, recycling schedule, and
 8 ultimate termination, of the purchase and use of
 9 polystyrene products for the purpose of storing,
 10 packaging, or serving food for immediate consumption

11 pursuant to section 455D.16.”

12 18. Page 18, line 27, by inserting after the word
13 “paper” the following: “, with the exception of
14 specialized paper when no recyclable product is
15 available.”

16 19. By striking page 18, line 32, through page
17 19, line 5, and inserting the following: “and the
18 requirements of section 18.20; comply with, and the
19 institutions governed by the board shall also comply
20 with the recycling goal, recycling schedule, and
21 ultimate termination of purchase and use of
22 polystyrene products for the purpose of storing,
23 packaging, or serving food for immediate consumption
24 pursuant to section 455D.16; and shall, in accordance
25 with the requirements of section 18.6, require product
26 content statements, the provision of information
27 regarding on-site review of waste management in
28 product bidding and contract procedures, and
29 compliance with requirements regarding procurement
30 specifications.”

31 20. Page 19, by striking lines 22 through 30, and
32 inserting the following: “section 18.20; shall comply
33 with the recycling goal, recycling schedule, and
34 ultimate termination of purchase and use of
35 polystyrene products for the purpose of storing,
36 packaging, or serving food for immediate consumption
37 pursuant to section 455D.16; and shall, in accordance
38 with section 18.6, require product content statements,
39 the provision of information regarding on-site review
40 of waste management in product bidding and contract
41 procedures, and compliance with requirements regarding
42 procurement specifications.”

43 21. By striking page 21, line 32 through page 22,
44 line 7, and inserting the following: “complaints.”

45 22. Page 23, line 9, by inserting after the words
46 “operators of” the following: “solid waste”.

47 23. Page 23, line 12, by inserting after the word
48 “of” the following: “solid waste”.

49 24. Page 28, by inserting after line 13, the
50 following:

Page 4

1 “Sec. 100. Section 455C.4, subsection 4, Code
2 1989, is amended by striking the subsection.”

3 25. Page 28, by striking lines 28 through 32, and
4 inserting the following: “counties in investigation
5 of complaints; and the next one hundred thousand
6 dollars”.

7 26. By striking page 29, line 34 through page 30,

8 line 6, and inserting the following: "comply with the
9 recycling goal, recycling schedule, and ultimate
10 termination of purchase and use of polystyrene
11 products for the purpose of storing, packaging, or
12 serving food for immediate consumption pursuant to
13 section 455D.16; and, in accordance with section 18.6,
14 require product content statements, the provision of
15 information regarding on-site review of waste
16 management in product bidding and contract procedures,
17 and compliance with requirements regarding contract
18 bidding."
19 27. Page 30, line 15, by striking the word and
20 figure "and 33" and inserting the following: "33, and
21 100".
22 28. By renumbering, relettering, and correcting
23 internal references as necessary.

COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES
PAT DELUHERY, Chairperson

S-3996

1 Amend House File 778 as follows:
2 1. Page 8, by inserting before line 24, the
3 following:
4 "____. To contract for a study to investigate the
5 feasibility of dredging Backbone Lake in Delaware
6 county:
7 \$ 50,000
8 The department shall report the findings and
9 recommendations of the study to the governor and
10 general assembly not later than February 1, 1990."
11 2. By renumbering as necessary.

PAUL D. PATE

S-3997

1 Amend House File 779 as follows:
2 1. Page 16, line 19, by striking the figure
3 "3,929,800" and inserting the following: "4,004,800".
4 2. Page 16, line 20, by striking the figure
5 "92.33" and inserting the following: "93.33".
6 3. Page 16, by inserting after line 23, the
7 following:
8 "Of the amount appropriated, \$75,000 shall be
9 expended for the salary and reasonable and necessary

10 expenses of the director of insurance development, who
11 is transferred from the authority of the department of
12 economic development to the division of insurance.
13 The director of insurance development shall continue
14 to maintain the director's office in its current
15 location."

JOE WELSH
CALVIN O. HULTMAN

S-3998

1 Amend House File 774, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 24, by striking lines 11 through 30.

CALVIN O. HULTMAN
WALLY HORN

S-3999

1 Amend House File 774, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 7, line 14, by striking the figure
4 "155,000" and inserting the following: "202,500".
5 2. Page 7, line 17, by striking the figure
6 "250,000" and inserting the following: "202,500".

LARRY MURPHY

S-4000

1 Amend the amendment, S-3978, to House File 774, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 8, by striking lines 40 through 46 and
5 inserting the following:
6 "A laboratory school under chapter 265 shall be
7 exempt from the provisions of this section."

LARRY MURPHY
RICHARD VARN

S-4001

1 Amend House File 774, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 26, by striking lines 11 through 13 and
4 inserting the following: "beginning July 1, 1989, and
5 ending June 30, 1990:".

6 2. Page 26, by inserting after line 14 the
7 following:

8 "As a condition, limitation, and qualification of
9 the appropriation in this paragraph, the university
10 shall report to the general assembly by August 1,
11 1989, the disposition of the proceeds from the tuition
12 rate increase."

13 3. Page 30, by striking lines 29 through 31, and
14 inserting the following: "beginning July 1, 1989, and
15 ending June 30, 1990:".

16 4. Page 30, by inserting after line 32 the
17 following:

18 "As a condition, limitation, and qualification of
19 the appropriation in this paragraph, the university
20 shall report to the general assembly by August 1,
21 1989, the disposition of the proceeds from the tuition
22 rate increase."

23 5. Page 33, by striking lines 5 through 7 and
24 inserting the following: "beginning July 1, 1989, and
25 ending June 30, 1990:".

26 6. Page 33, by inserting after line 8 the
27 following:

28 "As a condition, limitation, and qualification of
29 the appropriation in this paragraph, the university
30 shall report to the general assembly by August 1,
31 1989, the disposition of the proceeds from the tuition
32 rate increase."

LINN FUHRMAN
WALLY HORN
CALVIN O. HULTMAN
JOE WELSH

S-4002

1 Amend the amendment, S-3988, to House File 779, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, line 4, by striking the figure
5 "2,268,000" and inserting the following: "2,323,948".

6 2. Page 1, line 6, by striking the figure "93.5"

7 and inserting the following: "98.5".
8 3. Page 1, line 10, by striking the figure
9 "142,000" and inserting the following: "197,948".

RICHARD RUNNING

S-4003

1 Amend amendment, S-3978, to House File 774, as
2 amended, passed, and reprinted by the House, as
3 follows:

DIVISION S—4003A

4 1. Page 3, line 16, by striking the figure
5 "300,000" and inserting the following: "500,000".
6 2. Page 3, line 23, by inserting after the figure
7 "1990." the following: "If the total amount deducted
8 from the area education agencies under section 442.10
9 for the school year beginning July 1, 1988, or July 1,
10 1989, to be deposited in the general fund of the
11 state, is less than five hundred thousand dollars,
12 there is appropriated from the general fund of the
13 state to the department of education for the fiscal
14 year beginning July 1, 1989, and for the fiscal year
15 beginning July 1, 1990, the difference between the
16 total amount deducted for the previous fiscal year
17 that would otherwise have been deposited in the
18 general fund of the state, and five hundred thousand
19 dollars, to be paid to area education agencies that
20 have fewer than three and one-half public school
21 pupils per square mile."

DIVISION S—4003B

22 3. Page 9, line 15, by inserting after the word
23 "funds." the following: "This section applies only to
24 awards or projects contingent upon the present or
25 future commitment of state resources or if loss of
26 funding would shift the responsibility for payment to
27 the state or its agencies, and it does not apply to
28 funds received for individual research projects,
29 private gifts, or payments for services actually
30 provided."

LEONARD L. BOSWELL

S-4004

1 Amend the amendment, S-3978, to House File 774, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 2, by striking lines 35 through 43 and
5 inserting the following:

6 "___ . Page 16, line 19, by striking the figure
7 "10" and inserting the following: "20".

8 ___ . Page 16, by striking line 22 and inserting
9 the following:

10 " \$ 548,413

11 The appropriation in this subsection is contingent
12 upon the enactment of section 1001 of this Act."

13 2. Page 3, by inserting after line 23 the fol-
14 lowing:

15 "___ . Page 49, by inserting after line 32 the
16 following:

17 "Sec. 1001. Section 301.1, unnumbered paragraph 2,
18 Code 1989, is amended to read as follows:

19 Textbooks adopted and purchased by a school
20 district may, and shall to the extent funds are
21 appropriated by the general assembly, be made
22 available to pupils attending nonpublic schools upon
23 request of the pupil or the pupil's parent under
24 comparable terms as made available to pupils attending
25 public schools. However, funds appropriated by the
26 general assembly under this section shall only be used
27 for textbooks for a nonpublic school pupil who attends
28 a nonpublic school that uses a multicultural,
29 nonsexist approach as that approach is required for
30 school districts under section 256.11."

BILL HUTCHINS
JIM LIND
JOE WELSH
RICHARD J. VARN
LARRY MURPHY
RICHARD RUNNING

S-4005

1 Amend the amendment, S-3978, to House File 774, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 8, line 19, by striking the word and
5 figure "June 1" and inserting the following: "March
6 10".

JOY CORNING
AL STURGEON

S-4006

1 Amend House File 774 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 18, by inserting after line 3, the
4 following:

5 "___ . CAREER INFORMATION SYSTEM OF IOWA

6 For the purpose of providing educational
7 information to students in public and nonpublic
8 schools:

9 \$ 89,000".

ELAINE SZYMONIAK

S-4007

1 Amend House File 774, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 26, by inserting after line 21 the fol-
4 lowing:

5 "___ . SCHOOL FINANCE INSTITUTE

6 \$ 150,000

7 The moneys appropriated in this subsection shall
8 not be paid to the state university of Iowa until the
9 legislative fiscal committee certifies that the state
10 university of Iowa has completed plans for the
11 establishment of a school finance institute that can
12 receive the results of research relating to school
13 finance and serve as a clearinghouse for that re-
14 search, can conduct research relating to school
15 finance and analyze and evaluate the operation of the
16 state school foundation plan and other finance
17 proposals affecting education. The institute shall
18 operate in cooperation with other public and private
19 colleges and universities and organizations and
20 associations interested in education in this state.
21 The plans shall include either a monetary or in-kind
22 contribution for the institute from the state
23 university of Iowa."

LARRY MURPHY
JOE WELSH

S-4008

- 1 Amend House File 774, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 12, line 31, by striking the word "July"
- 4 and inserting the following: "January".

BERL E. PRIEBE

S-4009

- 1 Amend the amendment, S-3978, to House File 774, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 2, line 24, by striking the words "and
- 5 school districts." and inserting the following: ",
- 6 school districts, institutions of higher education,
- 7 and any federally funded projects established to
- 8 develop leadership in educational administration."
- 9 2. Page 2, by inserting after line 26 the fol-
- 10 lowing:
- 11 "Program goals for administrative staff development
- 12 shall include but not be limited to training in the
- 13 following areas: Instructional leadership and the
- 14 management of change, assisting teachers with the
- 15 implementation of new teaching models and in-
- 16 structional strategies and the enhancement of the role
- 17 of teachers in the planning and development of those
- 18 models and strategies, encouraging and assisting women
- 19 and minorities to enter educational administration,
- 20 and improving performance evaluation for instructional
- 21 personnel."

RICHARD J. VARN

S-4010

- 1 Amend the amendment, S-3978, to House File 774, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. By striking page 6, line 41, through page 7,
- 5 line 6, and inserting the following: "transfer.
- 6 However, if, on or before March 10, 1989, the district
- 7 of residence has outstanding obligations on school
- 8 bonds, has entered into a rental or lease arrangement
- 9 under section 279.26, or has entered into a loan
- 10 agreement in anticipation of the collection of the

11 schoolhouse tax under section 297.36, only fifty
12 percent of the property tax portion of the district
13 cost per pupil shall be paid to the receiving district
14 for the first three years of the transfer, unless the
15 debt is paid before the end of the three years. If
16 the debt is paid in less than three years from the
17 date of the transfer or if three years pass, from the
18 date of the transfer, without retirement of the
19 district of residence's debt obligation, whichever
20 date is sooner, the full amount of the district cost
21 per pupil shall then be paid to the receiving
22 district. If a request".

LINN FUHRMAN

S-4011

1 Amend amendment, S-3978, to House File 774 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 2, by striking line 44 through page 3,
4 line 2.

JULIA GENTLEMAN

S-4012

1 Amend House File 745, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by striking lines 28 through 30 and
4 inserting the following: "statement from a physician
5 licensed under chapter 148, 150, or 150A as defined in
6 section 135.1, written on the physician's
7 stationery,".
8 2. Page 5, by striking lines 29 through 31 and
9 inserting the following: "statement from a physician,
10 as defined in section 135.1, written on the
11 physician's stationery,".
12 3. Page 6, line 26, by striking the words "or
13 chiropractor's".

C. JOSEPH COLEMAN

S-4013

1 Amend House File 774 as follows:
2 1. Page 6, line 4, by striking the word
3 "information" and inserting the following: "study".

4 2. Page 6, line 23, by inserting after the word
5 "services," the following: "health care institutions,
6 medical education providers,".

7 3. Page 13, by striking line 15 and inserting the
8 following: "actively involved in programs for student
9 teachers."

10 4. Page 28, line 21, by striking the words
11 "appropriation made in paragraph "g", subparagraph
12 (1)" and inserting the following: "appropriations
13 made in this section".

14 5. Page 28, line 22, by striking the words "that
15 subparagraph" and inserting the following: "this
16 section".

RAY TAYLOR

S-4014

1 Amend amendment, S-3978, to House File 774 as
2 amended, passed and reprinted by the House as follows:

3 1. Page 9, line 1, by inserting after the word
4 "agencies" the following: ", except those
5 institutions governed by chapter 262,".

6 2. Page 9, line 15, by inserting after the word
7 "funds." the following: "Institutions governed by
8 chapter 262 shall provide such notification only for
9 those awards of funds which specifically require a
10 commitment of additional state resources."

JOE WELSH

HOUSE AMENDMENT TO
SENATE FILE 517

S-4015

1 Amend Senate File 517, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 5, line 4, by striking the figure
4 "80,468" and inserting the following: "85,468".

5 2. Page 5, line 10, by striking the figure
6 "3,596,630" and inserting the following: "3,711,052".

7 3. Page 10, by inserting after line 27 the fol-
8 lowing:

9 "Sec. ____ . The Iowa public employees' retirement
10 system shall conduct a study of the public retirement
11 systems established in this state and shall provide a

12 preliminary report to the general assembly, which
13 report shall be transmitted to the chief clerk of the
14 house of representatives and the secretary of the
15 senate no later than February 1990. The study shall
16 include the judicial retirement system; the Iowa
17 department of public safety peace officers'
18 retirement, accident, and disability system; and
19 retirement systems for local police officers and fire
20 fighters established under chapter 411. The report to
21 the general assembly shall include an analysis of the
22 findings of the Iowa public employees' retirement
23 system concerning the financial status of the existing
24 systems and shall also include recommendations
25 concerning the findings of the study.

26 There is appropriated from the Iowa public
27 employees' retirement system fund an amount sufficient
28 to pay the costs of the study. The Iowa public
29 employees' retirement system shall determine the
30 portion of the cost of the study to be allocated to
31 each public retirement system and shall notify the
32 governing board of each such system. Each governing
33 board shall reimburse the Iowa public employees'
34 retirement system fund for its share of the cost from
35 moneys available to the governing board. The
36 governing boards of all public retirement systems in
37 this state shall cooperate with the Iowa public
38 employees' retirement system in providing information
39 concerning their systems. As used in this paragraph,
40 "governing board" means the body or officer
41 responsible for administration of the public
42 retirement system."

43 4. Page 14, by inserting after line 30 the
44 following:

45 "As a condition, limitation, and qualification of
46 this appropriation, the department of management shall
47 cause the targeted small business program to operate
48 in its normal manner. It is the intent of the general
49 assembly that as a condition, limitation, and
50 qualification of this appropriation, the department of

Page 2

1 management shall compile the necessary data so that
2 the Iowa targeted small business program will continue
3 in compliance with the conditions of the United States
4 supreme court decision in City of Richmond v. J.A.
5 Croson Co. It is the intent of the general assembly
6 that the department of management have authority to
7 develop guidelines for state agencies to operate the
8 targeted small business program to best achieve its

9 goals in conformity with City of Richmond v. J. A.
 10 Croson Co., pending completion of a study and further
 11 legislative action. The department may, if necessary,
 12 suspend the operation of a particular preference until
 13 April 1, 1990, if it concludes that the suspension is
 14 mandated by federal law.”
 15 5. Page 18, by inserting after line 14 the
 16 following:
 17 “Sec. 100. 1988 Iowa Acts, chapter 1275, section
 18 14, is amended by adding the following new unnumbered
 19 paragraph:
 20 NEW UNNUMBERED PARAGRAPH. Of the total amount
 21 appropriated by this section, \$135,000, or so much
 22 thereof as is necessary, is allocated for the purpose
 23 of analyzing the Iowa public employees’ retirement
 24 system data processing system and formulating plans
 25 for future development. Notwithstanding section 8.33,
 26 funds allocated under this paragraph which are not
 27 obligated or expended on June 30, 1989, shall not
 28 revert to the Iowa public employees’ retirement system
 29 fund but shall remain available for the designated
 30 purposes during the fiscal year beginning on July 1,
 31 1989, and ending on June 30, 1990.”
 32 6. Page 18, by inserting after line 19 the
 33 following:
 34 “Sec. ____ . REPEAL. 1986 Iowa Acts, chapter 1096,
 35 section 12, is repealed.”
 36 7. Page 18, line 20, by striking the word and
 37 figure “Section 9” and inserting the following:
 38 “Sections 9 and 100”.
 39 8. By renumbering, relettering, or redesignating
 40 and correcting internal references as necessary.

S-4016

1 Amend House File 271, 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 422B.8, unnumbered paragraph
 6 1, Code 1989, is amended to read as follows:
 7 A local sales and services tax at the rate of not
 8 more than one percent may be imposed by a county on
 9 the gross receipts taxed by the state under chapter
 10 422, division IV. A local sales and services tax
 11 shall be imposed on the same basis as the state sales
 12 and services tax and may not be imposed on the sale of
 13 any property or on any service not taxed by the state,
 14 except the tax shall not be imposed on the gross

15 receipts from the sale of motor fuel or special fuel
16 as defined in chapter 324, on the gross receipts from
17 the rental of rooms, apartments, or sleeping quarters
18 which are taxed under chapter 422A during the period
19 the hotel and motel tax is imposed, on the gross
20 receipts from the sale of natural gas or electric
21 energy in a city or county where the gross receipts
22 are subject to a franchise fee or user fee during the
23 period the franchise or user fee is imposed, on the
24 gross receipts upon which sales tax is imposed only
25 under section 422.43, subsection 12, and on the gross
26 receipts from the sale of a lottery ticket or share in
27 a lottery game conducted pursuant to chapter 99E.
28 PARAGRAPH DIVIDED. A local sales and services tax
29 is applicable to transactions within those
30 incorporated and unincorporated areas of the county
31 where it is imposed and shall be collected by all
32 persons required to collect state gross receipts
33 taxes. However, if the retailer in a transaction is
34 located in an area where the tax is not imposed but
35 delivers the tangible personal property or service to
36 a location in an area where the tax is imposed, the
37 tax shall not be imposed even though payment or
38 service is received or title transferred at the point
39 of delivery, unless the retailer has an outlet in the
40 area where the tax is imposed from which the property
41 or service could have been sold. All cities
42 contiguous to each other shall be treated as part of
43 one incorporated area and the tax ~~would~~ shall be
44 imposed in each of those contiguous cities only if the
45 majority of those voting in the total area covered by
46 the contiguous cities favor its imposition.”
47 2. Title page, line 1, by inserting after the
48 word “Act” the following: “relating to transactions
49 subject to a local option sales and services tax,
50 providing that a local option sales and services tax

Page 2

- 1 shall not be applied in certain locations where
- 2 delivery is made, and”.
- 3 3. By renumbering as necessary.

COMMITTEE ON WAYS AND MEANS
WILLIAM DIELEMAN, Chairperson

S-4017

- 1 Amend the amendment, S-3988, to House File 779, as

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

4 1. Page 1, by inserting after line 22, the
5 following:

6 "____. Page 9, by inserting after line 20, the
7 following:

8 "Sec. ____ . Notwithstanding section 123.53, there
9 is appropriated from the beer and liquor control fund
10 to the department of inspections and appeals for the
11 fiscal year beginning July 1, 1989, and ending June
12 30, 1990, the following amount, or so much thereof as
13 is necessary, for the purposes designated:

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

17	.....	\$	144,000
18	.....	FTEs	4.00."

19 2. Page 1, by striking lines 23 through 40.

20 3. By renumbering as necessary.

RICHARD RUNNING

S-4018

1 Amend the amendment, S-3988, to House File 779, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, line 4, by striking the figure
5 "2,268,000" and inserting the following: "2,323,948".

6 2. Page 1, line 6, by striking the figure "93.5"
7 and inserting the following: "94.05".

8 3. Page 1, line 10, by striking the figure
9 "142,000" and inserting the following: "197,948".

RICHARD RUNNING

HOUSE AMENDMENT TO
SENATE FILE 532

S-4019

1 Amend Senate File 532, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 16, line 9, by striking the words "Mobile
4 and regional clinics" and inserting the following:
5 "Services contracted by the department of public
6 health from the university of Iowa hospitals and

7 clinics for specialized child health care”.

8 2. Page 17, line 13, by striking the words
9 “leaders of the senate and house” and inserting the
10 following: “leaders of the senate and house leader of
11 each house”.

12 3. Page 17, by striking lines 16 through 20 and
13 inserting the following: “years while serving as a
14 member of the general assembly. The majority and
15 minority floor ~~leaders of the senate and house, except~~
16 ~~the senate majority leader, leader of each house~~ shall
17 receive an annual salary of ~~twenty-two~~ twenty-five
18 thousand nine hundred ~~seventy-five~~ dollars for the
19 year ~~1989~~ 1991 and subsequent years while serving in
20 ~~such~~ the capacity.”

21 4. Page 18, by striking lines 12 through 15 and
22 inserting the following:

23 “3. The speaker of the house and the ~~senate~~
24 ~~majority leader~~ presiding officer of the senate shall
25 receive an annual salary of ~~twenty-three~~ twenty-eight
26 thousand nine hundred”.

27 5. Page 18, by striking lines 17 through 21 and
28 inserting the following: “~~serving as~~ the speaker of
29 the house or serving as the presiding officer of the
30 ~~senate majority leader~~. Expense and travel allowances
31 shall be the same for the speaker of the house and the
32 presiding officer of the senate majority leader as”.

33 6. Page 18, line 22, by inserting after the word
34 “assembly.” the following: “The members of the senate
35 shall select the presiding officer of the senate. The
36 member selected as presiding officer of the senate
37 shall receive only the annual salary of the presiding
38 officer of the senate.”

39 7. Page 18, line 27, by striking the words
40 “leaders of the senate and house” and inserting the
41 following: “leader of each house”.

42 8. Page 19, by inserting after line 16 the
43 following:

44 “Sec. 100. Section 2.40, Code 1989, is amended to
45 read as follows:

46 2.40 MEMBERSHIP IN STATE INSURANCE PLANS.

47 1. A member of the general assembly may elect to
48 become a member of a state group insurance plan for
49 employees of the state established under chapter 509A
50 subject to the following conditions:

Page 2

1 1 a. The member shall be eligible for all state
2 group insurance plans on the basis of enrollment rules
3 established for full-time state employees excluded

4 from collective bargaining as provided in chapter 20.
5 2 b. The member shall pay the premium for the plan
6 selected on the same basis as a full-time state
7 employee excluded from collective bargaining as
8 provided in chapter 20.
9 3 c. The member shall authorize a payroll
10 deduction of the premium due according to the member's
11 pay plan selected pursuant to section 2.10, subsection
12 5.
13 4 d. The premium rate shall be the same as the
14 premium rate paid by a state employee for the plan
15 selected.
16 In order to implement this section a A member of
17 the general assembly may elect to become a member of a
18 state group insurance plan effective January 1, 1989.
19 A member of the general assembly may continue
20 membership in a state group insurance plan without
21 reapplication during the member's tenure as a member
22 of consecutive general assemblies. For the purpose of
23 electing to become a member of the state health or
24 medical service group insurance plan, a member of the
25 general assembly has the status of a "new hire", full-
26 time state employee when the member is initially
27 eligible or during the first subsequent annual open
28 enrollment. A member of the general assembly who
29 elects to become a member of a state health or medical
30 group insurance plan shall be exempted from
31 preexisting medical condition waiting periods. A
32 member of the general assembly may change programs or
33 coverage under the state health or medical service
34 group insurance plan during the month of January of
35 odd-numbered years, but program and coverage change
36 selections shall be subject to the enrollment rules
37 established for full-time state employees excluded
38 from collective bargaining as provided in chapter 20.
39 A person who has been a member of the general assembly
40 for two years and who has elected to be a member of a
41 state health or medical group insurance plan may
42 continue to be a member of such state health or
43 medical group insurance plan by requesting
44 continuation in writing to the finance officer within
45 thirty-one days after leaving office. The continuing
46 former member of the general assembly shall pay the
47 total premium and administrative costs for the state
48 plan and shall have the same rights to change programs
49 or coverage as state employees.
50 2. A part-time secretary of a member of the

Page 3

1 general assembly may elect to become a member of a
2 state group insurance plan for employees of the state
3 established under chapter 509A subject to the
4 following conditions:

5 a. The part-time secretary shall be eligible for
6 all state group insurance plans on the basis of
7 enrollment rules established for full-time state
8 employees excluded from collective bargaining as
9 provided in chapter 20 and shall have the same rights
10 to change programs or coverage as are afforded such
11 state employees.

12 b. The part-time secretary shall pay the total
13 premium and administrative costs for the plan selected
14 through payroll deduction.

15 c. A part-time secretary may continue membership
16 in a state group insurance plan without reapplication
17 during the secretary's employment during consecutive
18 sessions of the general assembly. For the purpose of
19 electing to become a member of the state health or
20 medical service group insurance plan, a part-time
21 secretary of a member of the general assembly has the
22 status of a "new hire", full-time state employee when
23 the secretary is initially eligible or during the
24 first subsequent enrollment change period.

25 d. A part-time secretary of a member of the
26 general assembly who elects membership in a state
27 health or medical group insurance plan shall state
28 each year whether the membership is to extend through
29 the interim period between consecutive sessions of the
30 general assembly. If the membership is to extend
31 through the interim period the part-time secretary
32 shall authorize a payroll deduction for the period of
33 session employment in an amount sufficient to cover
34 the total annual premium and administrative costs for
35 the plan selected. The part-time secretary shall
36 notify the finance officer within thirty-one days
37 after the conclusion of the general assembly whether
38 the person's decision to extend the membership through
39 the interim period is confirmed. If the decision is
40 rescinded, appropriate adjustments shall be made for
41 amounts withheld in advance to cover premium payments.
42 However, adjustments shall not be made for amounts
43 withheld to cover administrative costs.

44 e. A member of a state health or medical group
45 insurance plan pursuant to this subsection shall have
46 the same rights upon final termination of employment
47 as a part-time secretary as are afforded full-time

48 state employees excluded from collective bargaining as
 49 provided in chapter 20."

50 9. Page 20, by striking lines 9 through 13, and

Page 4

1 inserting the following: "each fiscal year
 2 thereafter. Any position of membership on the racing
 3 commission which currently receives a salary shall
 4 receive that salary during the 1986-1987 fiscal year,
 5 and a compensation of forty dollars per day and
 6 expenses in the 1987-1988 fiscal year and each fiscal
 7 year thereafter."

8 10. Page 20, by inserting after line 24 the
 9 following:

10 "Sec. ____ . Section 99D.5, subsection 4, Code 1989,
 11 is amended to read as follows:

12 4. Commission members are each entitled to receive
 13 an annual salary of six thousand five hundred dollars.
 14 Members shall also be reimbursed for actual expenses
 15 incurred in the performance of their duties to a
 16 maximum of six thousand dollars per year for each
 17 member. Each member shall post a bond in the amount
 18 of ten thousand dollars, with sureties to be approved
 19 by the governor, to guarantee the proper handling and
 20 accounting of moneys and other properties required in
 21 the administration of this chapter. The premiums on
 22 the bonds shall be paid as other expenses of the
 23 commission."

24 11. Page 20, by inserting after line 26 the fol-
 25 lowing:

26 "Section 100 of this Act takes effect January 1,
 27 1990."

28 12. By renumbering, relettering, or redesignating
 29 and correcting internal references as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 520

S-4020

1 Amend Senate File 520, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 17 through 28.

4 2. Page 2, by inserting before line 8 the
 5 following:

6 "As a condition, limitation, and qualification of
 7 this appropriation, the department shall develop and

8 initiate a program to provide cassette tape-recorded
9 explanations of regional points of interest and
10 tourist attractions, to be made available without
11 charge at state welcome centers. The department may
12 charge a reasonable deposit to ensure that the tape is
13 returned to a state welcome center or rest stop, or
14 other location as specified by the department.”

15 3. Page 2, by striking lines 24 through 27.

16 4. Page 4, by striking lines 18 through 32 and
17 inserting the following:

18 “9. For the operation and maintenance of
19 international trade offices in Asia, Europe, and
20 Japan, including salaries and support for not more
21 than the following full-time equivalent positions:

22 \$ 723,475
23 FTEs 5.5”.

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

26 “Sec. ____ . It is the intent of the general
27 assembly that for purposes of the traditional and new
28 infrastructure categories for which funds may be
29 available under the revolving fund created pursuant to
30 section 15.287 references to a rural water district
31 incorporated and organized under chapter 357A shall
32 also include those rural water districts or entities
33 incorporated under chapter 504A.”

34 6. Page 8, by inserting before line 24, the
35 following:

36 “6. Community progress programs
37 \$ 39,000

38 Funds appropriated shall be used for volunteer
39 programs to assist Iowa communities in organizing and
40 preparing economic development, industrial
41 development, commercial or downtown revitalization,
42 and tourism development.

43 Notwithstanding section 8.39, funds appropriated by
44 this subsection shall not be subject to transfer.

45 7. For the purchase of POW/MIA flags to be flown
46 on all public buildings for public agencies that apply
47 for the flags:

48 \$ 10,000”.

49 7. By renumbering, relettering, or redesignating
50 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 185

S-4021

1 Amend Senate File 185, as passed by the Senate, as
2 follows:

3 1. Page 1, line 14, by striking the words "and in
4 memorial unions" and inserting the following: "~~and in~~
5 ~~memorial unions~~".

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 98

S-4022

1 Amend the Senate amendment, H-4141, to House File
2 98, as passed by the House, as follows:

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

5 "Sec. ____ . NEW SECTION. 422.63A. UNITED
6 COMMUNITY BANK OFFICE FRANCHISE TAX TREATMENT.

7 A united community bank established pursuant to
8 section 524.1213 shall pay the franchise tax due under
9 this division on behalf of itself and its united
10 community bank offices in the same manner and on the
11 same basis as would have been paid if the merger or
12 consolidation authorized by section 524.1213 had not
13 occurred. The department shall adopt rules to
14 implement this section."

15 2. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 521

S-4023

1 Amend Senate File 521 as passed by the Senate as
2 follows:

3 1. Page 1, by striking lines 24 through 28, and
4 inserting the following: "this amount, ten percent
5 shall be used to provide services and programs for
6 severely emotionally disturbed children and
7 adolescents, and fifty-five percent shall be used to

8 develop and provide community mental health services
9 and programs not available on October 1, 1988. New
10 services developed between October 1, 1984, and
11 October 1, 1988, with alcohol, drug abuse, and mental
12 health services block grant funds may be treated as
13 new services."

14 2. Page 3, line 33, by striking the figure
15 "200,000" and inserting the following: "150,000".

16 3. By striking page 5, line 35, through page 6,
17 line 1, and inserting the following: "this
18 subsection, an amount not exceeding \$90,000 shall be
19 used for the monitoring of the fluoridation program
20 and for start-up fluoridation grants to public water
21 systems."

22 4. By renumbering, relettering, or redesignating
23 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 531

S-4024

1 Amend Senate File 531, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 5, line 24, by striking the figure
4 "1,353,133" and inserting the following: "1,421,998".

5 2. Page 5, line 25, by striking the figure "31.0"
6 and inserting the following: "33.0".

7 3. Page 5, line 27, by striking the figure
8 "1,310,059" and inserting the following: "1,359,924".

9 4. Page 5, line 30, by striking the figure
10 "184,174" and inserting the following: "203,174".

11 5. Page 5, line 34, by inserting after the word
12 "condition." the following: "The department of public
13 safety shall establish, for accounting purposes, a
14 separate organizational unit to provide budget
15 information on funds appropriated for responsibilities
16 relating to leaking underground storage tanks."

17 6. By striking page 5, line 35 through page 6,
18 line 28.

19 7. Page 13, by striking line 3.

20 8. Page 13, line 7, by striking the words and
21 figure "from the salary adjustment fund pursuant to
22 section 8.43" and inserting the following: "for
23 salary adjustment".

24 9. Page 13, lines 8 and 9, by striking the words
25 "the above" and inserting the following: "ninety-
26 two".

27 10. Page 15, by striking lines 16 through 19 and
28 inserting the following:

29 "Sec. ____ . There is appropriated from the state
30 aviation fund to the Iowa air link transportation".

31 11. Page 15, line 30, by inserting after the word
32 "Iowa's" the word "ten".

33 12. By striking page 16, line 25 through page 18,
34 line 11.

35 13. Page 18, by striking lines 12 through 21.

36 14. Page 18, by inserting before line 22 the
37 following:

38 "Sec. ____ . Section 312.2A, subsection 1, Code
39 1989, is amended by striking the subsection.

40 Sec. ____ . Section 312.2A, subsection 2, Code 1989,
41 is amended to read as follows:

42 2. The treasurer of state, before making the
43 allotments provided for in section 312.2, shall credit
44 for the fiscal year period beginning July 1, 1988, and
45 ending June 30, ~~1989~~ 1990, to the state department of
46 transportation one hundred thousand dollars from the
47 road use tax fund from revenue credited to the road
48 use tax fund under section 423.24, subsection 1,
49 paragraph "b". The state department of transportation
50 shall expend the moneys to carry out the statewide

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1 trails development plan provided for in section 111F.2
2 and to acquire land and other property to complete
3 parts of existing recreational trails including, but
4 not limited to, the Cedar Valley nature trail, the
5 Heritage trail, the Grundy county nature trail, and
6 the Comet trail as provided in section 111F.2,
7 subsection 3."

8 15. Page 18, by inserting before line 22 the
9 following:

10 "Sec. ____ . Section 314.21, subsection 3, Code
11 1989, as created under 1989 Iowa Acts, House File 723,
12 section 5, is amended by striking the subsection and
13 inserting in lieu thereof the following:

14 3. a. Moneys allocated to the state under
15 subsection 1 shall be expended as follows:

16 (1) Fifty thousand dollars annually to the
17 department for the services of the integrated roadside
18 vegetation management coordinator and support.

19 (2) One hundred thousand dollars annually for
20 education programs, research and demonstration
21 projects, and vegetation inventories and strategies,
22 under section 314.22, subsections 5, 6, and 8.

23 (3) All remaining moneys for the gateways program

24 under section 314.22, subsection 7.

25 b. Moneys allocated to the counties under
26 subsection 1 shall be expended as follows:

27 (1) For the fiscal period beginning July 1, 1989,
28 and ending June 30, 1991, fifty thousand dollars in
29 each fiscal year to the university of northern Iowa to
30 maintain the position of the state roadside specialist
31 and to continue its integrated roadside vegetation
32 management pilot program providing research,
33 education, training, and technical assistance.

34 (2) All remaining money for grants or loans under
35 subsection 2, paragraph "a".

36 c. Moneys allocated to the cities shall be
37 expended for grants or loans under subsection 2,
38 paragraph "a".

39 16. Page 18, line 26, by inserting after the word
40 "space" the following: ", and, if sold by the depart-
41 ment, the department shall sell the property with the
42 restricted covenant that the property shall be used
43 exclusively for green space or else revert to the
44 department".

45 17. Page 18, by inserting after line 26 the
46 following:

47 "Sec. ____ . NEW SECTION. 314.23 ENVIRONMENTAL
48 PROTECTION.

49 It is declared to be in the general public welfare
50 of Iowa and a highway purpose that highway

Page 3

1 maintenance, construction, reconstruction, and repair
2 shall protect and preserve, by not causing unnecessary
3 destruction, the natural or historic heritage of the
4 state. In order to provide for the protection and
5 preservation, the following shall be accomplished in
6 the design, construction, reconstruction, relocation,
7 repair, or maintenance of roads, streets, and
8 highways:

9 1. WOODLANDS. Woodland removed shall be replaced
10 by plantings as close as possible to the initial site,
11 or by acquisition of an equal amount of woodland in
12 the general vicinity for public ownership and
13 preservation, or by other mitigation deemed to be
14 comparable to the woodland removed, including, but not
15 limited to, the improvement, development, or
16 preservation of woodland under public ownership.

17 2. WETLANDS. Wetland removed shall be replaced by
18 acquisition of wetland, in the same general vicinity
19 if possible, for public ownership and preservation, or
20 by other mitigation deemed to be comparable to the

21 wetland removed, including, but not limited to, the
 22 improvement, development, or preservation of wetland
 23 under public ownership.
 24 3. PUBLIC PARKS. Highways, streets, and roads
 25 constructed on or through publicly owned lands
 26 comprising parks, preserves, or recreation areas,
 27 shall be located and designed, in consultation with
 28 the public entity owning the land, so as to blend
 29 aesthetically with the areas and to minimize noise.
 30 When land is taken from the areas for highway
 31 construction and, if, in consultation with the public
 32 entity owning the land, mitigation is deemed
 33 necessary, the land shall be replaced by an equal or
 34 greater amount for public use, or by other mitigation,
 35 undertaken in consultation with the public entity own-
 36 ing the land, and deemed to be appropriate to the
 37 amount of land taken, including, but not limited to,
 38 the improvement, development, or preservation of the
 39 areas.
 40 4. PRIME AGRICULTURAL LANDS. Topsoil removed may
 41 be utilized for landscaping and other necessary
 42 construction. Excess topsoil shall be made available
 43 to the former landowner or other landowners whose land
 44 was purchased for the construction or others, and if
 45 not acquired by one of these parties, it may be
 46 disposed of.”
 47 18. Page 18, by inserting after line 26, the
 48 following:
 49 “Sec. ____ . NEW SECTION. 314.24 NATURAL AND
 50 HISTORIC PRESERVATION.

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1 Cities, counties, and the department shall to the
 2 extent practicable preserve and protect the natural
 3 and historic heritage of the state in the design,
 4 construction, reconstruction, relocation, repair, or
 5 maintenance of roads, streets, or highways.
 6 Destruction or damage to natural areas, including but
 7 not limited to prime agricultural land, parks,
 8 preserves, woodlands, wetlands, recreation areas,
 9 greenbelts, historical sites, or archaeological sites
 10 shall be avoided, if reasonable alternatives are
 11 available for the location of roads, streets, or
 12 highways at no significantly greater cost. In
 13 implementing this section, cities, counties, and the
 14 department shall make a diligent effort to identify
 15 and examine the comparative cost of utilizing
 16 alternative locations for roads, streets, or
 17 highways.”

18 19. Page 18, by inserting before line 27, the
19 following:

20 "Sec. ____ . **NEW SECTION. 314.23 SALES COMPATIBLE**
21 **WITH DEVELOPMENT PLANS.**

22 The department shall, prior to the sale of real
23 property owned by the department, ascertain the
24 intended use of the property by the prospective
25 purchaser and the department shall only sell the real
26 property if the prospective purchaser's intended use
27 is compatible with political subdivision development
28 plans for the area."

29 20. Page 19, by inserting after line 19 the
30 following:

31 "Sec. ____ . Section 321.266, subsection 2, Code
32 1989, is amended to read as follows:

33 2. The driver of a vehicle involved in an accident
34 resulting in injury to or death of any person, or
35 total property damage to an apparent extent of five
36 hundred dollars or more shall also, within seventy-two
37 hours after the accident, forward a written report of
38 the accident to the department on a carbon copy form.

39 Sec. ____ . Section 321.271, unnumbered paragraph 1,
40 Code 1989, is amended to read as follows:

41 All accident reports filed by a driver of a vehicle
42 involved in an accident as required under section
43 321.266 shall be in writing on a carbon copy form.
44 The report shall be without prejudice to the
45 individual so reporting and shall be for the
46 confidential use of the department, except that upon
47 the request of any person involved in the accident,
48 the person's insurance company or its agent, or the
49 attorney for ~~such~~ the person, the department shall
50 disclose the identity and address of the person

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1 involved in the accident. The department, upon
2 written request of the person who made the report,
3 shall provide a copy of the report to that person for
4 a fee of two dollars. The written report filed with
5 the department shall not be admissible in or used in
6 evidence in any civil or criminal case arising out of
7 the facts on which the report is based."

8 21. Page 19, by inserting after line 19 the
9 following:

10 "Sec. ____ . Section 321A.3, subsection 1, Code
11 1989, is amended to read as follows:

12 1. The director shall upon request furnish any
13 person a certified abstract of the operating record of
14 a person subject to chapter 321 or this chapter. The

15 abstract shall also fully designate the motor
 16 vehicles, if any, registered in the name of the
 17 person. If there is no record of a conviction of the
 18 person having violated any law relating to the
 19 operation of a motor vehicle or of any injury or
 20 damage caused by the person, the director shall so
 21 certify. A fee of five dollars shall be paid for each
 22 abstract except by state, county, city or court
 23 officials. The director shall transfer the moneys
 24 collected under this section to the treasurer of state
 25 who shall credit annually to the abstract fee fund
 26 created under section 321A.3A the first ~~nine one~~
 27 million three hundred fifty thousand dollars collected
 28 and shall credit to the general fund all additional
 29 moneys collected.

30 Sec. ____ . Section 321A.3A, subsection 2, Code
 31 1989, is amended to read as follows:

32 2. The treasurer of state, after crediting moneys
 33 appropriated from the abstract fee fund, shall credit
 34 ~~any moneys remaining in the abstract fee fund on June~~
 35 ~~30 of each fiscal year to the road use tax fund to be~~
 36 ~~applied toward the repayment of moneys allocated from~~
 37 ~~the road use tax fund to the department of public~~
 38 ~~safety under 1988 Iowa Acts, chapter 1278, section 9,~~
 39 ~~until the moneys have been repaid in full monthly to~~
 40 ~~the state department of transportation moneys~~
 41 ~~sufficient in amount to pay the costs of purchasing~~
 42 ~~motor vehicle licenses, as defined in section 321.1,~~
 43 ~~subsection 77.~~

44 22. Page 20, by striking lines 12 through 25.

45 23. Title page, line 6, by inserting after the
 46 word "funds," the following: "providing for the
 47 preservation of natural areas and historic sites in
 48 road design, construction, and maintenance,".

49 24. Title page, line 6, by inserting after the
 50 word "funds," the following: "requiring accident

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1 reports to be written on a carbon form and requiring
 2 copies to be provided upon payment of fee,".

3 25. Title page, lines 9 through 11, by striking
 4 the words "requiring the state and its political
 5 subdivisions, under certain circumstances, to pay
 6 compensation to owners of off-premises advertising
 7 devices,".

8 26. By renumbering, relettering, or redesignating
 9 and correcting internal references as necessary.

S-4025

1 Amend the House amendment, S-3750, to Senate File
 2 149, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 2, by inserting after line 17 the fol-
 5 lowing:
 6 "____. By striking page 6, line 24, through page
 7 7, line 5."

WILLIAM DIELEMAN

S-4026

1 Amend the House amendment, S-4015, to Senate File
 2 517 as amended, passed and reprinted by the Senate as
 3 follows:
 4 1. Page 1, by inserting after line 2 the
 5 following:
 6 "____. Page 2, line 2, by striking the figure
 7 "814,218" and inserting the following: "826,218"."

CALVIN O. HULTMAN

S-4027

1 Amend House File 779, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 8, line 21, by striking the figure
 4 "75,000" and inserting the following: "149,476".
 5 2. Page 20, line 9, by striking the figure
 6 "1,712,500" and inserting the following: "1,638,024".
 7 3. Page 20, by inserting after line 10, the
 8 following:
 9 "There is appropriated from the racing commission
 10 fund to the treasurer of state for the fiscal year
 11 beginning July 1, 1989, and ending June 30, 1990, the
 12 following amount, to be transferred to and deposited
 13 in the general fund:
 14 \$ 74,476"

AL STURGEON
 BOB CARR
 JEAN LLOYD-JONES
 MICHAEL E. GRONSTAL
 TOM MANN

WALLY E. HORN
JIM LIND

S-4028

- 1 Amend House File 780 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 15, by inserting after line 7, the
4 following:
5 "Sec. ____ . NEW SECTION. 724.28 APPLICABILITY OF
6 CHAPTER.
7 The regulation of lawful ownership, possession,
8 registration, licensing, transfer, and transportation
9 of weapons are subject solely to this chapter."
10 2. By renumbering as necessary.

DONALD V. DOYLE

S-4029

- 1 Amend House File 769, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 4, line 9, by striking the word "Twenty-
4 eight" and inserting the following: "Five".
5 2. Page 4, line 20, by striking the word "two"
6 and inserting the following: "three".
7 3. Page 4, line 23, by striking the word "two"
8 and inserting the following: "three".
9 4. Page 4, by striking lines 33 and 34 and
10 inserting the following: "appropriation was made or
11 until completion of the project."
12 5. Page 5, line 2, by striking the word "third"
13 and inserting the word "final".
14 6. Page 5, line 4, by striking the word "Twenty"
15 and inserting the following: "Twenty-five".
16 7. Page 7, line 10, by striking the word "Twenty"
17 and inserting the following: "Twenty-seven".
18 8. Page 8, line 3, by striking the word "Fifteen"
19 and inserting the following: "Twenty".
20 9. Page 8, line 23, by striking the word "Nine"
21 and inserting the following: "Fifteen".
22 10. Page 13, by inserting after line 11 the fol-
23 lowing:
24 "Sec. ____ . NEW SECTION. 15.273 COOPERATIVE
25 TOURISM PROGRAM.
26 The department shall assist the department of
27 natural resources in promoting the state parks, state
28 recreation areas, lakes, rivers, and streams under the

29 jurisdiction of the natural resource commission for
 30 tourism purposes. The department of natural resources
 31 shall provide the department with brochures and other
 32 printed information concerning hunting and fishing
 33 opportunities, recreational opportunities in state
 34 parks and recreation areas, and other natural and
 35 historic information of interest to tourists.
 36 The department shall disseminate the brochures and
 37 other information provided by the department of
 38 natural resources through the welcome centers, sports
 39 and vacation shows, direct information requests, and
 40 other programs implemented by the department to
 41 promote tourism and related forms of economic
 42 development in this state.”

COMMITTEE ON WAYS AND MEANS
 WILLIAM W. DIELEMAN, Chairperson

S-4030

1 Amend Senate Concurrent Resolution 15 as follows:
 2 1. Page 2, line 2, by striking the words “twenty-
 3 four” and inserting the following: “twenty-five”.
 4 2. Page 2, by inserting after line 25 the
 5 following:
 6 “___ . One member shall represent the university of
 7 northern Iowa, school of business.”
 8 3. Page 3, line 5, by striking the word “six” and
 9 inserting the following: “seven”.
 10 4. Page 3, by inserting after line 11 the
 11 following:
 12 “___ . One member shall represent the university of
 13 northern Iowa, college of social and behavioral
 14 sciences.”
 15 5. By renumbering as necessary.

JOY CORNING
 BOB CARR
 LARRY MURPHY
 CALVIN O. HULTMAN

S-4031

1 Amend House File 690, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by striking lines 9 through 11 and
 4 inserting the following:
 5 “(1) Conditions created by Mental injury caused by

6 the acts of the child's parent, guardian, or
7 custodian; ~~or,~~"

8 2. Page 1, by striking lines 22 through 31 and
9 inserting the following:

10 "NEW SUBSECTION. 31A. "Mental injury" means a
11 nonorganic injury to a child's intellectual or
12 psychological capacity as evidenced by an observable
13 and substantial impairment in the child's ability to
14 function within the child's normal range of
15 performance and behavior, considering the child's
16 cultural origin."

17 3. Page 2, line 17 by striking the word
18 "inspection,".

19 4. Page 2, by striking lines 22 through 32 and
20 inserting the following:

21 "b. "Observation" means direct physical viewing of
22 the child by the department investigator without
23 touching the child or removing an article of the
24 child's clothing, and doing so without the consent of
25 the child's parent, custodian, or guardian. However,
26 if prior consent of the child's parent or guardian is
27 obtained, "observation" may include viewing the
28 child's unclothed body other than the genitalia and
29 pubes."

30 5. Page 4, by striking lines 3 through 5 and
31 inserting the following: "parents. However, if the
32 department".

33 6. Page 4, by striking lines 25 through 28 and
34 inserting the following: "report and examination an
35 interview or observation of the child may be
36 conducted. If permission to enter the home ~~or~~
37 ~~facility and to examine~~ interview or observe the child
38 is refused, the juvenile court or".

39 7. Page 4, by striking line 31 and inserting the
40 following: "~~facility and examine~~ interview or observe
41 the child."

42 8. Page 5, line 10, by striking the words "and
43 observing".

44 9. Page 5, by striking lines 12 through 23 and
45 inserting the following: "children for the purpose of
46 conducting interviews in order to obtain relevant
47 information. The investigator may observe a child
48 named in a report with the consent of the child's
49 parent or guardian, or by juvenile court order upon a
50 showing of reasonable cause to believe that the child

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1 has been abused. A witness shall be present during an
2 observation of a child. Any child age ten".

- 3 10. Page 7, by striking lines 11 through 15 and
4 inserting the following: "disposition of a child
5 abuse report."
- 6 11. Page 7, line 17, by striking the words
7 "paragraphs "a" and "b" and inserting the following:
8 "paragraph "a".
- 9 12. By striking page 7, line 35 through page 8,
10 line 2.
- 11 13. Page 8, by striking line 15 and inserting the
12 following: "~~guardian, or custodian~~ presents an
13 imminent danger to the".
- 14 14. Page 8, by striking lines 31 and 32 and
15 inserting the following: "proceedings arising under
16 this division. However, if there is disagreement
17 between the department and the county attorney
18 regarding the appropriate action to be taken, the".
- 19 15. Page 9, by striking lines 19 and 20 and
20 inserting the following: "proceedings arising under
21 this division. However, if there is disagreement
22 between the department and the county attorney
23 regarding the appropriate action to be taken, the".
- 24 16. By striking page 9, line 34, through page 10,
25 line 10.
- 26 17. By striking page 12, line 8, through page 13,
27 line 13, and inserting the following:
28 "Sec. ____ . Section 910A.14, subsection 1,
29 unnumbered paragraph 2, Code 1989, is amended by
30 striking the paragraph.
31 Sec. ____ . Section 910A.14, subsection 2, Code
32 1989, is amended to read as follows:
33 2. The court may, upon its own motion or upon
34 motion of a party, order that the testimony of a
35 child, as defined in section 702.5, be taken by
36 recorded deposition for use at trial, pursuant to rule
37 of criminal procedure 12(2)(b). In addition to
38 requiring that such testimony be recorded by
39 stenographic means, the court may on motion and
40 hearing, and upon a finding that the child is
41 unavailable as provided in Iowa rules of evidence
42 804(a), order the videotaping of the child's testimony
43 for viewing in the courtroom by the court. The
44 videotaping shall comply with the provisions of rule
45 of criminal procedure 12(2)(b), and shall be
46 admissible as evidence in the trial of the cause."
- 47 18. By renumbering and relettering as necessary.

JULIA B. GENTLEMAN
TOM MANN, Jr.
DONALD V. DOYLE

S-4032

- 1 Amend the House amendment, S-4019, to Senate File
2 532 as amended, passed and reprinted by the Senate as
3 follows:
- 4 1. Page 1, line 14, by inserting before the word
5 "majority" the following: "presiding officer of the
6 senate and the".
- 7 2. Page 1, by striking lines 23 and 24 and
8 inserting the following:
9 "3. The speaker of the house ~~and the senate~~
10 ~~majority leader~~ shall".
- 11 3. Page 1, line 25, by striking the words
12 "twenty-eight" and inserting the following: "twenty-
13 seven".
- 14 4. Page 1, by striking lines 29 through 32 and
15 inserting the following: "the house ~~or as the senate~~
16 ~~majority leader~~. Expense and travel allowances shall
17 be the same for the speaker of the house and the
18 presiding officer of the senate and the majority and
19 minority leader of each house as".
- 20 5. Page 1, by striking lines 33 through 38 and
21 inserting the following:
22 "___ . Page 18, by striking lines 25 through 28,
23 and inserting the following: "~~forty fifty~~ dollars per
24 day, ~~except the speaker of the house who shall be paid~~
25 ~~sixty dollars per day~~, and necessary travel and
26 expenses".
- 27 5. Page 2, line 50, by striking the words
28 "secretary of a member" and inserting the following:
29 "employee".
- 30 6. Page 3, line 5, by striking the word
31 "secretary" and inserting the following: "employee".
- 32 7. Page 3, line 12, by striking the word
33 "secretary" and inserting the following: "employee".
- 34 8. Page 3, line 15, by striking the word
35 "secretary" and inserting the following: "employee".
- 36 9. Page 3, line 17, by striking the word
37 "secretary's" and inserting the following:
38 "employee's".
- 39 10. Page 3, line 21, by striking the words
40 "secretary of a member" and inserting the following:
41 "employee".
- 42 11. Page 3, line 23, by striking the word
43 "secretary" and inserting the following: "employee".
- 44 12. Page 3, line 25, by striking the words
45 "secretary of a member" and inserting the following:
46 "employee".
- 47 13. Page 3, line 31, by striking the word

- 48 "secretary" and inserting the following: "employee".
49 14. Page 3, line 35, by striking the word
50 "secretary" and inserting the following: "employee".

Page 2

- 1 15. Page 3, line 47, by striking the word
2 "secretary" and inserting the following: "employee".

JOE WELSH
BILL HUTCHINS

S-4033

- 1 Amend the House amendment, S-4020, to Senate File
2 520 as amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 1, by striking lines 3 through 23.
5 2. Page 1, by striking lines 34 through 44.

JOE WELSH

S-4034

- 1 Amend the amendment, S-3997, to House File 779, as
2 amended, passed, and reprinted, by the House, as
3 follows:
4 1. Page 1, by striking lines 11 and 12, and
5 inserting the following: "for budgetary purposes is
6 under the division of insurance."

JIM LIND

S-4035

- 1 Amend the House amendment, S-4024, to Senate File
2 531, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by inserting after line 2, the
5 following:
6 "____. By striking page 3, line 32, through page
7 4, line 2."
8 2. Renumber as necessary.

JOE WELSH

S-4036

1 Amend amendment, S-4031, to House File 690, as
2 amended, passed, and reprinted by the House, as
3 follows:

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

6 "____. Page 5, line 27, by inserting after the
7 word "to" the following: "acts or omissions in good
8 faith of".

9 ____ . Page 5, line 29, by inserting after the word
10 "child." the following: ""Acts or omissions in good
11 faith" means, for purposes of section 232.73, that
12 the acts or omissions from which a claim for damages
13 may arise were objectively reasonable and that the
14 acts or omissions did not violate clearly established
15 statutory rights or other rights of a person of which
16 a reasonable person would know or should have known.""

17 2. By renumbering as necessary.

TOM MANN, Jr.

S-4037

1 Amend House File 769 as amended, passed, and reprinted
2 by the House, as follows:

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

5 "3. Notwithstanding section 111.85, all lands acquired
6 by the state pursuant to this section for state parks,
7 forests, or recreation areas are exempt from any state
8 park user fee or permit."

JOHN P. KIBBIE
JOHN E. SOORHOLTZ

S-4038

1 Amend Senate File 220 as follows:

2 1. Page 1, by striking lines 1 through 16.

3 2. Title page, line 1, by striking the words "the
4 unclaimed winnings from and".

AL STURGEON

S-4039

- 1 Amend the amendment, S-3871, to Senate File 220 as
2 follows:
3 1. By striking page 1, line 24 through page 2,
4 line 30.

AL STURGEON

S-4040

- 1 Amend the House amendment, S-4015, to Senate File
2 517, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, line 10, by inserting after the word
5 "the" the following: "state".
6 2. Page 1, line 16, by striking the word
7 "system;" and inserting the following: "system and".
8 3. Page 1, line 18, by striking the word "
9 and".
10 4. Page 1, by striking lines 19 and 20 and
11 inserting the following: ". The report to".

JACK NYSTROM
MICHAEL E. GRONSTAL

S-4041

- 1 Amend the House amendment, S-4019, to Senate File
2 532 as amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 4, by striking lines 8 through 23.

JOE WELSH

S-4042

- 1 Amend the House amendment, S-4015, to Senate File
2 517 as amended, passed and reprinted by the Senate,
3 as follows:
4 1. Page 2, by striking lines 32 through 35.

JIM LIND

S-4043

- 1 Amend the House amendment, S-4020, to Senate File
2 520 as amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 1, by striking line 3.
5 2. Page 1, by striking lines 15 through 23.
6 3. Page 1, by striking lines 34 through 44.

JOE WELSH

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 490

S-4044

- 1 Amend Senate amendment, H-4045, to House File 490,
2 as passed by the House, as follows:
3 1. Page 1, by inserting after line 19, the
4 following:
5 "___ . Page 1, by inserting after line 20, the
6 following:
7 "Sec. ____ . Section 10A.104, Code 1989, is amended
8 by adding the following new subsection:
9 NEW SUBSECTION. 10. Enter into and implement
10 agreements or compacts between the state of Iowa and
11 Indian tribes located in the state which are entered
12 into under the authority of the Indian Gaming
13 Regulatory Act (25 U.S.C. § 2701 et seq.). The
14 agreements or compacts shall contain provisions
15 intended to implement the policies and objectives of
16 the Indian Gaming Regulatory Act.
17 Sec. ____ . Section 10A.105, Code 1989, is amended
18 by striking the section and inserting in lieu thereof
19 the following:
20 10A.105 CONFIDENTIALITY.
21 1. For the purposes of this section, "governmental
22 entity" includes an administrative division within the
23 department.
24 2. The confidentiality of all information in the
25 department produced or collected during or as a result
26 of a hearing, appeal, investigation, inspection,
27 audit, or other function performed by the department
28 on behalf of another governmental entity is governed
29 by the law applicable to the records of that
30 governmental entity. The department may provide

31 information to a governmental entity for which it is
32 conducting a hearing, appeal, inspection, audit,
33 investigation, or other function.

34 3. The state shall maintain records and materials
35 related to an agreement or compact entered into
36 pursuant to the Indian Gaming Regulatory Act (25
37 U.S.C. § 2701 et seq.), as confidential records if
38 confidentiality is required by the terms of the
39 agreement or compact.

40 4. The lawful custodian of all records produced or
41 collected during or as a result of any function
42 performed by the department on behalf of another
43 governmental entity is that governmental entity for
44 the purpose of examination and copying pursuant to
45 chapter 22.

46 5. If information in the possession of the
47 department indicates that a criminal offense may have
48 been committed, the information may be reported to the
49 appropriate criminal justice or regulatory agency.

50 6. However, this section does not prohibit the

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1 department from releasing the minimal amount of
2 information necessary in its judgment to conduct
3 audits, inspections, investigations, appeals, and
4 hearings, and does not prohibit the introduction of
5 the information as evidence at any hearing conducted
6 by the department.

7 7. The director, administrators, and their
8 designees shall have access to all records deemed by
9 the department to be pertinent to a hearing, appeal,
10 audit, investigation, inspection, or other related
11 function assigned under this chapter.””

12 2. Page 2, by inserting after line 45 the
13 following:

14 “___ . Page 10, by inserting after line 23, the
15 following:

16 “Sec. ___ . Section 99F.6, subsection 8, as enacted
17 by 1989 Iowa Acts, Senate File 124, section 6, is
18 amended by striking the subsection and inserting in
19 lieu thereof the following:

20 8. a. The licensee or a holder of an occupational
21 license shall consent to the search, without a
22 warrant, by agents of the division of criminal
23 investigation of the department of public safety or
24 commission employees designated by the secretary of
25 the commission, of the licensee's or holder's person,
26 personal property, and effects, and premises which are
27 located on the excursion gambling boat or adjacent

28 facilities under control of the licensee, in order to
 29 inspect or investigate for violations of this chapter
 30 or rules adopted by the commission pursuant to this
 31 chapter. The department or commission may also obtain
 32 administrative search warrants under section 808.14.
 33 b. However, this subsection shall not be construed
 34 to permit a warrantless inspection of living quarters
 35 or sleeping rooms on the riverboat if all of the
 36 following are true:
 37 (1) The licensee has specifically identified those
 38 areas which are to be used as living quarters or
 39 sleeping rooms in writing to the commission.
 40 (2) Gaming is not permitted in the living quarters
 41 or sleeping rooms, and devices, records, or other
 42 items relating to the licensee's gaming operations are
 43 not stored, kept, or maintained in the living quarters
 44 or sleeping rooms.
 45 (3) Alcoholic beverages are not stored, kept, or
 46 maintained in the living quarters or sleeping rooms
 47 except those legally possessed by the individual
 48 occupying the quarters or room.
 49 c. The commission shall adopt rules to enforce
 50 this subsection.

Page 3

1 Sec. ____ . Section 537A.4, unnumbered paragraph 2,
 2 Code 1989, is amended to read as follows:
 3 This section does not apply to a contract for the
 4 operation of or for the sale or rental of equipment
 5 for games of skill or games of chance, if both the
 6 contract and the games are in compliance with chapter
 7 99B. This section does not apply to wagering under
 8 the pari-mutuel method of wagering authorized by
 9 chapter 99D. This section does not apply to the sale,
 10 purchase or redemption of a ticket or share in the
 11 state lottery in compliance with chapter 99E. This
 12 section does not apply to the sale, purchase, or
 13 redemption of any ticket or similar gambling device
 14 legally purchased in Indian lands within this state.”
 15 3. Page 2, by inserting after line 47, the
 16 following:
 17 “____. Title page, line 6, by inserting after the
 18 word “raffles,” the following: “authorizing the
 19 enforcement of agreements or compacts entered into
 20 between the state and Indian tribes under the Indian
 21 Gaming Regulatory Act, authorizing warrantless
 22 searches of excursion gambling boats under certain
 23 conditions.”.”
 24 4. By renumbering and relettering as necessary.

S-4045

1 Amend House File 778, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 11, by striking the figure
4 "1,113,777" and inserting the following: "1,259,777".

5 2. Page 1, line 29, by striking the figure
6 "42.24" and inserting the following: "45.24".

7 3. Page 1, by striking lines 30 and 31 and
8 inserting the following:

9 "g. As a condition, limitation, and qualification
10 of the appropriation from the general fund under
11 paragraph "a" of this subsection, \$55,459 shall be
12 allocated from the appropriation".

13 4. Page 2, by striking lines 5 and 6 and
14 inserting the following:

15 "h. As a condition, limitation, and qualification
16 of the appropriation from the general fund under
17 paragraph "a" of this subsection, \$50,000 shall be
18 allocated from the appropriation".

19 5. Page 2, by inserting after line 8 the
20 following:

21 "___ . As a condition, limitation, and
22 qualification of the appropriation from the general
23 fund under paragraph "a" of this subsection, \$96,000
24 shall be allocated from the appropriation for the
25 salary and support of three information specialist
26 positions.

27 ___ . As a condition, limitation, and qualification
28 of the appropriation from the general fund under
29 paragraph "a" of this subsection, \$50,000 shall be
30 allocated from the appropriation to the state 4-H
31 foundation to foster the development of Iowa's youth
32 and to encourage them to study the subject of
33 agriculture."

34 6. Page 2, by striking lines 15 through 17 and
35 inserting the following:

36 "b. As a condition, limitation, and qualification
37 of the appropriation from the general fund under
38 paragraph "a" of this subsection, \$346,379 shall be
39 allocated from the appropriation to the horticulture
40 division for the".

41 7. Page 2, line 21, by striking the word "An" and
42 inserting the following:

43 "___ . As a condition, limitation, and
44 qualification of the appropriation from the general
45 fund under this section, an".

46 8. Page 2, by striking lines 27 through 30, and
47 inserting the following: "ending June 30, 1990. The

48 amount shall be allocated to the state 4-H foundation
49 to foster the development of Iowa's youth and to
50 encourage them to study the subject of agriculture."

Page 2

1 9. Page 2, line 31, by striking the word
2 "FARMER'S" and inserting the following: "FARMERS".
3 10. Page 2, line 34, by striking the word
4 "farmer's" and inserting the following: "farmers".
5 11. Page 3, line 1, by striking the word
6 "farmer's" and inserting the following: "farmers".
7 12. Page 3, by striking lines 11 and 12 and
8 inserting the following:
9 "b. As a condition, limitation, and qualification
10 of the appropriation from the general fund under
11 paragraph "a" of this subsection, \$11,250 shall be
12 allocated from the appropriation".
13 13. Page 3, by striking lines 20 through 29.
14 14. Page 4, by striking lines 8 and 9 and
15 inserting the following:
16 "e. As a condition, limitation, and qualification
17 of the appropriation from the general fund under
18 paragraph "a" of this subsection, \$150,000 shall be
19 allocated from the appropriation".
20 15. Page 4, by striking lines 22 and 23, and
21 inserting the following:
22 "b. As a condition, limitation, and qualification
23 of the appropriation from the general fund under
24 paragraph "a" of this subsection, \$303,436 shall be
25 allocated from the appropriation to".
26 16. Page 4, by striking lines 26 and 27 and
27 inserting the following:
28 "c. As a condition, limitation, and qualification
29 of the appropriation from the general fund under
30 paragraph "a" of this subsection, \$150,000 shall be
31 allocated from the appropriation".
32 17. Page 5, by striking lines 3 and 4 and
33 inserting the following:
34 "e. As a condition, limitation, and qualification
35 of the appropriation from the general fund under
36 paragraph "d" of this subsection, the following
37 requirements apply to the funds appropriated by
38 paragraph "d"."
39 18. Page 6, by striking lines 15 and 16, and
40 inserting the following:
41 "As a condition, limitation, and qualification of
42 the appropriation under this section, \$39,748 shall be
43 allocated from the appropriation for the salary and
44 support of a livestock".

45 19. Page 7, line 10, by striking the figure
46 "37,400" and inserting the following: "62,400".
47 20. Page 7, by striking lines 11 through 14, and
48 inserting the following:
49 "1. As a condition, limitation, and qualification
50 of the appropriation from the general fund under this

Page 3

1 section, \$37,400 from the appropriation shall be
2 transferred to the state board of regents for the use
3 of the department of plant pathology at Iowa state
4 university of science and technology for purposes
5 related to researching the multiflora rose virus.
6 2. a. As a condition, limitation, and
7 qualification of the appropriation from the general
8 fund under this section, \$25,000 shall be used from
9 the appropriation by the department of agriculture and
10 land stewardship for the purpose of partially
11 reimbursing agricultural landowners or tenants for the
12 cost of herbicide for controlling or eradicating the
13 multiflora rose which has severely infested their
14 agricultural land. Not more than five percent of the
15 funds appropriated under this paragraph shall be used
16 for administrative expenses.
17 b. A county board of supervisors desiring a share
18 of the amount appropriated under paragraph "a" of this
19 subsection shall, in conjunction with the county weed
20 commissioner and the county soil conservation district
21 commissioners, develop a plan to combat severe
22 infestations of multiflora rose on privately owned
23 land within the county. The plan shall be based upon
24 partial reimbursement of individual landowner's costs
25 for the purchase of herbicide from both state and
26 county appropriations; however, the share of costs
27 reimbursed by state funds shall not exceed one-fourth.
28 The plan shall be submitted to the secretary of
29 agriculture for approval or recommendations for
30 modification.
31 c. A landowner or tenant whose agricultural land
32 is severely infested by multiflora roses may apply to
33 the soil conservation district commissioners of the
34 county for partial reimbursement, according to the
35 approved plan, of the cost of herbicide for
36 controlling or eradicating the multiflora rose on the
37 agricultural land. The county weed commissioner shall
38 assist the soil conservation district commissioners in
39 investigating the application and determining if the
40 infestation is severe. The soil conservation district
41 commissioners shall review and approve each

42 application for partial cost reimbursement if the
43 infestation is severe on the applicant's agricultural
44 land. If the soil conservation district commissioners
45 find the amount of reimbursement claimed to be
46 excessive, the district commissioners may approve a
47 lesser amount. The reasons for disapproval of an
48 application or reduction of the amount of
49 reimbursement shall be sent in writing to the
50 applicant. The amount of reimbursement certified by

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1 the secretary shall be paid by warrant issued by the
2 director of revenue and finance.
3 d. Federal lands and federal land tenants are not
4 eligible for reimbursement under this subsection."
5 21. Page 7, line 24, by striking the figure
6 "12,200,534" and inserting the following:
7 "12,841,534".
8 22. Page 7, line 25, by striking the figure
9 "973.10" and inserting the following: "970.10".
10 23. Page 7, by striking lines 26 and 27, and
11 inserting the following:
12 "b. As a condition, limitation, and qualification of the
13 appropriation under paragraph "a" of this subsection,
14 \$30,000 shall be allocated from the appropriation for
15 the position of".
16 24. Page 7, line 29, by inserting after the word
17 "plans." the following: "Three information specialist
18 positions shall be transferred to the department of
19 agriculture and land stewardship. Persons holding the
20 positions within the department may transfer with the
21 positions."
22 25. Page 7, by striking lines 30 and 31, and
23 inserting the following:
24 "c. As a condition, limitation, and qualification
25 of the appropriation under paragraph "a" of this
26 subsection, \$78,000 shall be allocated from the
27 appropriation for the purchase of".
28 26. By striking page 7, line 35, through page 8,
29 line 1, and inserting the following:
30 "d. As a condition, limitation, and qualification
31 of the appropriation under paragraph "a" of this
32 subsection, \$51,226 shall be allocated from the
33 appropriation for general maintenance".
34 27. Page 8, by striking lines 3 and 4, and
35 inserting the following:
36 "e. As a condition, limitation, and qualification
37 of the appropriation under paragraph "a" of this
38 subsection, \$30,000 shall be allocated for the

39 purchase of”.

40 28. Page 8, by striking lines 6 and 7, and

41 inserting the following:

42 “f. As a condition, limitation, and qualification
43 of the appropriation under paragraph “a” of this
44 subsection, \$50,000 shall be allocated from the
45 appropriation for the salary and”.

46 29. Page 8, by striking lines 10 and 11, and

47 inserting the following:

48 “g. As a condition, limitation, and qualification
49 of the appropriation under paragraph “a” of this
50 subsection, \$37,500 shall be allocated from the

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1 appropriation for the salary and”.

2 30. Page 8, by striking lines 15 and 16, and

3 inserting the following:

4 “h. As a condition, limitation, and qualification
5 of the appropriation under paragraph “a” of this
6 subsection, \$23,832 shall be allocated from the
7 appropriation to reimburse the”.

8 31. Page 8, by inserting after line 23 the
9 following:

10 “— . As a condition, limitation, and
11 qualification of the appropriation under paragraph “a”
12 of this subsection, not more than the following
13 amounts from the appropriation and full-time
14 equivalent positions shall be expended and authorized
15 for the purposes designated:

16	(1) Office of director		
17	.....	\$	59,817
18	.....	FTEs	5.95
19	(2) Administrative services division		
20	.....	\$	1,441,376
21	.....	FTEs	126.15
22	(3) Coordination and information division		
23	.....	\$	808,340
24	.....	FTEs	41.45
25	(4) Energy and geological resources division		
26	.....	\$	1,216,580
27	.....	FTEs	59.12
28	(5) Environmental protection division		
29	.....	\$	2,175,061
30	.....	FTEs	147.50
31	(6) Forests and forestry division		
32	.....	\$	1,441,438
33	.....	FTEs	54.64
34	(7) Parks, recreation and preserves division		

35 \$ 5,199,572
 36 FTEs 206.05
 37 If an amount is expended in excess of the amount
 38 designated for any purpose, including any division
 39 specified under this paragraph, the department shall
 40 notify the legislative fiscal bureau, the chairpersons
 41 of the standing appropriations committees of the
 42 senate and house of representatives, and the
 43 chairpersons of the agriculture and natural resources
 44 appropriations subcommittee pursuant to section 8.39.
 45 ____ . As a condition, limitation, and qualification
 46 of the appropriation under paragraph "a" of this
 47 subsection, \$250,000 shall be allocated from the
 48 appropriation to restore and repair the dam on the
 49 Cedar river in the city of Nashua. However, this
 50 paragraph shall not take effect and the appropriation

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1 under paragraph "a" of this subsection shall be
 2 reduced by \$250,000, if money is appropriated from the
 3 "Jobs Now" account provided in section 99E.31 for the
 4 purposes of restoration and repair of the dam,
 5 pursuant to an enactment in 1989 by the Seventy-third
 6 General Assembly.
 7 ____ . As a condition, limitation, and qualification
 8 of the appropriation under paragraph "a" of this
 9 subsection, \$50,000 shall be allocated from the
 10 appropriation to restore and repair the dam at the
 11 city of Oxford Mills.
 12 ____ . As a condition, limitation, and qualification
 13 of the appropriation under paragraph "a" of this
 14 subsection, \$50,000 shall be allocated from the
 15 appropriation to contract for a study to investigate
 16 the feasibility of expanding and modernizing the
 17 public water supply system in Winterset, in order to
 18 increase the supply of water to serve the increasing
 19 demand of the city and to serve surrounding
 20 communities. The department shall report the findings
 21 and recommendations of the study to the governor and
 22 general assembly not later than February 1, 1990.
 23 ____ . As a condition, limitation, and qualification
 24 of the appropriation under paragraph "a" of this
 25 subsection, \$75,000 shall be allocated from the
 26 appropriation to contract with an Iowa-based
 27 consulting firm to investigate the feasibility of
 28 creating a destination center at a public lake area
 29 not less than eleven thousand acres in size. The
 30 department shall report the findings and
 31 recommendations of the study to the governor and

32 general assembly not later than February 1, 1990.
33 ____ . As a condition, limitation, and qualification
34 of the appropriation under paragraph "a" of this
35 subsection, \$300,000 shall be allocated from the
36 appropriation for grants to counties for the purpose
37 of conducting programs for properly closing abandoned
38 rural water supply wells to supplement funds
39 appropriated under section 455E.11, subsection 2,
40 paragraph "b", subparagraph (3), subparagraph
41 subdivision (b)."
42 32. By striking page 9, line 4, through page 10,
43 line 4.
44 33. Page 10, line 26, by striking the word
45 "Funds" and inserting the following:
46 "As a condition, limitation, and qualification of
47 the appropriations under this section, funds".
48 34. Page 11, line 23, by striking the word "The"
49 and inserting the following:
50 "As a condition, limitation, and qualification of

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1 the appropriations made under this section, the".
2 35. By striking page 11, line 30 through page 12,
3 line 13.
4 36. Page 14, by inserting after line 10, the
5 following:
6 "Sec. ____ . The department of natural resources for
7 the period beginning July 1, 1989, and ending June 30,
8 1991, shall not construct or erect a dam or other
9 structure creating a new artificial lake or water
10 impoundment at Brushy Creek state recreation area or
11 at the Lost Grove area.
12 Sec. ____ . 1987 Iowa Acts, chapter 233, section
13 204, subsection 5, is amended to read as follows:
14 5. It is the intention of the general assembly in
15 adopting the appropriation under subsection 1 and this
16 subsection to cease funding for the department's
17 implementation of the federal Resource Conservation
18 and Recovery Act permit program for hazardous waste
19 facilities in this state. Section 455B.411,
20 subsections 6, 9, and 10, section 455B.412,
21 subsections 2 through 4, and sections 455B.413 through
22 455B.421 are suspended and do not apply as they
23 pertain to that permit program, but are not suspended
24 and do apply as they pertain to abandoned and
25 uncontrolled sites, used oil, and site licensing under
26 chapter 455B, division IV, part 6. The suspension
27 provided by this subsection begins July 1, 1987 and
28 ends June 30, ~~1989~~ 1990.

29 Sec. ____ . Section 111.3, Code 1989, is amended by
30 adding the following new unnumbered paragraph:
31 NEW UNNUMBERED PARAGRAPH. On or after the
32 effective date of this Act, an anaerobic lagoon or
33 disposal system, as defined in section 455B.171, shall
34 not be constructed within ten thousand five hundred
35 sixty feet of a state park under the jurisdiction of
36 the department unless the natural resource commission
37 approves the construction. The natural resource
38 commission shall adopt rules pursuant to chapter 17A
39 delineating the criteria to be used to evaluate the
40 impact of an anaerobic lagoon or disposal system on
41 the public use and enjoyment of a state park. The
42 criteria may include, but are not limited to,
43 aesthetic considerations, odors, and facility and
44 building design.

45 Sec. ____ . Section 172C.4, subsection 2, Code 1989,
46 is amended by striking the subsection and inserting in
47 lieu thereof the following:

48 2. Agricultural land acquired for research or
49 experimental purposes. Agricultural land is used for
50 research or experimental purposes if any of the

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1 following apply:

2 a. Research and experimental activities are under-
3 taken on the agricultural land and commercial sales of
4 products produced from farming the agricultural land
5 do not occur or are incidental to the research or
6 experimental purposes of the corporation. Commercial
7 sales are incidental to the research or experimental
8 purposes of the corporation when such sales are less
9 than twenty-five percent of the gross sales of the
10 primary product of the research.

11 b. The agricultural land is used by a corporation,
12 including any trade or business which is under common
13 control, as provided in 26 U.S.C. § 414 for the
14 primary purpose of testing, developing, or producing
15 seeds, animals, or plants for sale or resale to
16 farmers as seed stock or breeding stock. However,
17 after the effective date of this Act, to qualify under
18 this paragraph, the following conditions must be
19 satisfied:

20 (1) The corporation must not hold the agricultural
21 land other than as a lessee. The term of the lease
22 must be for not more than twelve years. The
23 corporation shall not renew a lease. The corporation
24 shall not enter into a lease under this paragraph, if
25 the corporation has ever entered into another lease

26 under this paragraph, whether or not the lease is in
27 effect. However, this subparagraph does not apply to
28 a domestic corporation organized under chapter 504 or
29 504A.

30 (2) A term or condition of sale, including resale,
31 or seed stock or breeding stock must not relate to the
32 direct or indirect control by the corporation of the
33 breeding stock, breeding stock progeny, or seed stock
34 subsequent to the sale.

35 (3) The number of acres of agricultural land held
36 by the corporation must not exceed six hundred forty
37 acres.

38 (4) The corporation must deliver a copy of the
39 lease to the secretary of state. The secretary of
40 state shall notify the lessee of receipt of the copy
41 of the lease. However, this subparagraph does not
42 apply to a domestic corporation organized under
43 chapter 504 or 504A.

44 Culls, test animals, seeds, or plants may be sold
45 under this paragraph "b". For a three-year period
46 beginning on the date that the corporation acquires an
47 interest in the agricultural land, the gross sales for
48 any year shall not be greater than five hundred
49 thousand dollars. After the three-year period ends,
50 the gross sales for any year shall not be greater than

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1 twenty-five percent of the gross sales for that year
2 of the seed stock or breeding stock, or five hundred
3 thousand dollars, whichever is less.

4 Sec. ____ . NEW SECTION. 172C.6 LESSEES CONDUCTING
5 RESEARCH OR EXPERIMENTS.

6 Lessees of agricultural land under section 172C.4,
7 subsection 2, paragraph "b", for research or
8 experimental purposes, shall file a report with the
9 secretary of state on or before March 31 of each year
10 on forms adopted pursuant to chapter 17A and supplied
11 by the secretary of state. The report shall contain
12 the following information for the last year:

13 1. The name and principal place of business of the
14 lessee.

15 2. The location of the agricultural land used for
16 research or experimental purposes.

17 3. The date that the lease became effective.

18 4. The name and address of each person purchasing
19 seed stock or breeding stock produced on the
20 agricultural land.

21 5. The number or volume of breeding stock or seed
22 stock purchased by each person purchasing seed stock

23 or breeding stock produced on the agricultural land.
24 Sec. ____ . Section 173.16, Code 1989, is amended by
25 adding the following new unnumbered paragraph:
26 NEW UNNUMBERED PARAGRAPH. In order to efficiently
27 administer facilities and events on the state
28 fairgrounds, and to promote Iowa's conservation ethic,
29 the Iowa state fair board shall handle or dispose of
30 waste generated on the state fair grounds under
31 supervision of the waste management authority
32 established under section 455B.483.
33 Sec. ____ . Section 206.2, Code 1989, is amended by
34 adding the following new subsection:
35 NEW SUBSECTION. 30. "Animal health pesticide"
36 means a pesticide applied internally or externally to
37 an animal or applied to the premises where an animal
38 is kept to preserve or protect the health of the
39 animal as provided by departmental rule. As used in
40 this subsection, "animal" means a living vertebrate
41 animal and includes a bird, fish, or mammal but
42 excludes a human being.
43 Sec. ____ . Section 206.12, subsection 3, Code 1989,
44 is amended to read as follows:
45 3. The registrant, before selling or offering for
46 sale any pesticide for use in this state, shall
47 register each brand and grade of such pesticide with
48 the secretary upon forms furnished by the secretary,
49 and the secretary shall set the registration fee
50 annually at one-fifth of one percent of gross sales

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1 within this state with a minimum fee of two hundred
2 fifty dollars and a maximum fee of three thousand
3 dollars for each and every brand and grade to be
4 offered for sale in this state except as otherwise
5 provided. The annual registration fee for products
6 with gross annual sales in this state of less than one
7 million five hundred thousand dollars shall be the
8 greater of two hundred fifty dollars or one-fifth of
9 one percent of the gross annual sales as established
10 by affidavit of the registrant. The secretary shall
11 adopt by rule exemptions to the minimum fee. An
12 animal health pesticide may be exempted from payment
13 of the minimum fee, if the secretary determines that
14 the specific animal health pesticide is not likely to
15 contaminate the groundwater. The secretary shall
16 adopt rules by July 1, 1990, for exempting payment of
17 the minimum fee for animal health pesticides. If an
18 animal health pesticide is exempted from the minimum
19 fee under this subsection, a registrant shall pay a

20 fee of twenty dollars for each and every brand and
 21 grade of such pesticide offered for sale in this
 22 state. Fifty An amount of up to fifty dollars of
 23 each fee collected shall be deposited in the treasury
 24 to the credit of the pesticide fund to be used only
 25 for the purpose of enforcing the provisions of this
 26 chapter and the remainder of each fee collected shall
 27 be placed in the agriculture management account of the
 28 groundwater protection fund.

29 Sec. ____ . Section 206.12, subsection 7, paragraph
 30 d, Code 1989, is amended by adding the following new
 31 unnumbered paragraph:

32 NEW UNNUMBERED PARAGRAPH. A licensee under section
 33 206.8 who offers for sale an animal health pesticide
 34 exempted under subsection 3 from the payment of the
 35 minimum fee shall not be required to report
 36 information relating to such pesticide as required
 37 under this subsection.

38 Sec. ____ . Section 455B.134, subsection 3,
 39 paragraph e, subparagraph (1), unnumbered paragraph 1,
 40 Code 1989, is amended to read as follows:

41 Notwithstanding any other provision of division II
 42 of this chapter, and subject to section 111.3, the
 43 following siting requirements shall apply to anaerobic
 44 lagoons:"

45 37. Page 14, by inserting after line 28 the
 46 following:

47 "Sec. ____ . Section 511.8, subsection 10, paragraph
 48 b, Code 1989, is amended to read as follows:

49 b. Any real estate acquired through foreclosure,
 50 or in settlement or satisfaction of any indebtedness.

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1 Any company or association may improve real estate so
 2 acquired or remodel existing improvements and exchange
 3 such real estate for other real estate or securities,
 4 and real estate acquired by such exchange may be
 5 improved or the improvements remodeled. ~~Any farm real~~
 6 ~~estate acquired under this paragraph shall be sold~~
 7 ~~within five years from the date of acquisition unless~~
 8 ~~the commissioner of insurance shall extend the time~~
 9 ~~for such period or periods as seem warranted by the~~
 10 ~~circumstances.~~

11 Sec. ____ . NEW SECTION. 511.8A AGRICULTURAL LAND.

12 Agricultural land, as defined in section 172C.1,
 13 acquired as provided in section 511.8, subsection 10,
 14 paragraph "b", by a life insurance company or
 15 association incorporated by or organized under the
 16 laws of this or any other state, shall be sold or

17 otherwise disposed of by the company or association
18 within five years after title is vested in the company
19 or association. A life insurance company or
20 association is a corporation for purposes of chapter
21 172C.

22 Sec. ____ . Section 567.3, subsection 3, paragraph
23 d, Code 1989, is amended by striking the paragraph and
24 inserting in lieu thereof the following:

25 d. Agricultural land acquired for research or
26 experimental purposes. Agricultural land is used for
27 research or experimental purposes if any of the
28 following apply:

29 (1) Research and experimental activities are
30 undertaken on the agricultural land and commercial
31 sales of products produced from farming the
32 agricultural land do not occur or are incidental to
33 the research or experimental purposes of the
34 corporation. Commercial sales are incidental to the
35 research or experimental purposes of the corporation
36 when such sales are less than twenty-five percent of
37 the gross sales of the primary product of the
38 research.

39 (2) The agricultural land is used for the primary
40 purpose of testing, developing, or producing seeds,
41 animals, or plants for sale or resale to farmers as
42 seed stock or breeding stock. However, after the
43 effective date of this Act, to qualify under this
44 paragraph, the following conditions must be satisfied:

45 (a) The nonresident alien, foreign business, or
46 foreign government or an agent, trustee, or fiduciary
47 of the alien, business, or government must not hold
48 the agricultural land other than as a lessee. The
49 term of the lease must be for not more than twelve
50 years. A lessee shall not renew a lease entered into

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1 under this subparagraph (2). The lessee shall not
2 enter into a lease under this paragraph, if another
3 lease under this paragraph has been entered into by
4 the lessee.

5 (b) A term or condition of sale, including resale,
6 of seed stock or breeding stock must not relate to the
7 direct or indirect control by the lessee of the
8 breeding stock, the breeding stock progeny, or seed
9 stock subsequent to the sale.

10 (c) The number of acres of agricultural land held
11 by the lessee must not exceed six hundred forty acres.

12 (d) The lessee must deliver a copy of the lease to
13 the secretary of state. The secretary of state shall

14 notify the lessee of receipt of the copy of the lease.

15 Culls, test animals, seeds, or plants may be sold
16 under this subparagraph (2). For a three-year period
17 beginning on the date that the lease takes effect, the
18 gross sales for any year shall not be greater than
19 five hundred thousand dollars. After the three-year
20 period ends, the gross sales for any year shall not be
21 greater than twenty-five percent of the gross sales
22 for that year of the seed stock or breeding stock, or
23 five hundred thousand dollars, whichever is less. As
24 used in this subparagraph (2), "lessee" means a
25 nonresident alien, foreign business, or foreign
26 government, or an agent, trustee, or fiduciary acting
27 on behalf of the nonresident alien, foreign business,
28 or foreign government, or any other trade or business
29 which is under the lessee's common control as provided
30 in 26 U.S.C. § 414.

31 Sec. — . NEW SECTION. 567.8A LESSEES CONDUCTING
32 RESEARCH OR EXPERIMENTS.

33 Lessees of agricultural land under section 567.3,
34 subsection 3, paragraph "d", subparagraph (2), for
35 research or experimental purposes, shall file a report
36 with the secretary of state on or before March 31 of
37 each year on forms adopted pursuant to chapter 17A and
38 supplied by the secretary of state. The report shall
39 contain the following information for the last year:

40 1. The name and principal place of business of the
41 lessee.

42 2. The location of the agricultural land used for
43 research or experimental purposes.

44 3. The date that the lease became effective.

45 4. The name and address of each person purchasing
46 seed stock or breeding stock produced on the
47 agricultural land.

48 5. The number or volume of breeding stock or seed
49 stock purchased by each person purchasing seed stock
50 or breeding stock produced on the agricultural land."

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1 38. Title page, line 3, by striking the words "to
2 an environmental fund,".

3 39. Title page, line 4, by inserting after the
4 word "protection," the following: "the acquisition
5 and use of land,".

6 40. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
JOE J. WELSH, Chairperson

S-4046

- 1 Amend amendment, S-4045, to House File 778, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 7, by striking lines 29 through 44.
 5 2. Page 10, by striking lines 38 through 44.

EUGENE FRAISE
 DONALD DOYLE
 JOHN SOORHOLTZ
 KENNETH SCOTT
 JACK HESTER
 JOHN KIBBIE
 BERL E. PRIEBE
 DALE L. TIEDEN

S-4047

- 1 Amend House File 769, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 4, line 24, by inserting after the word
 4 "commission." the following: "The ownership or
 5 management or both of land being acquired by the
 6 department, may be transferred by a chapter 28E
 7 agreement and subject to negotiation with the seller
 8 to a political subdivision of the state."

LINN FUHRMAN
 JOHN KIBBIE
 JOHN SOORHOLTZ
 JIM RIORDAN
 BERL E. PRIEBE

S-4048

- 1 Amend House File 140, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, by inserting before line 11, the
 4 following:
 5 "3. Site preparation loans for the purpose of
 6 preparing qualified agricultural land for
 7 nontraditional crops or livestock operations shall
 8 include loans to qualified family farmers who are
 9 actively engaged in farming as defined under section
 10 172C.1, subsection 15. The borrower must meet the
 11 general requirements for operating loans under section

12 175.35 and specifically subsection 3, paragraphs “a”
13 ”b”, “c”, “e”, “f”, subparagraph (2), and “g”, in
14 order to qualify for a loan.
15 4. Farmers entering into agreements with
16 processors of nontraditional crops and livestock, who
17 qualify for loans under this section, must enter into
18 an agreement with the processor which provides that if
19 the contract is terminated by the processor, the cost
20 difference between the lower interest rate and the
21 current cost of money at the time of termination will
22 be assumed by the processor.”

JIM RIORDAN
LEONARD L. BOSWELL
RICHARD VANDE HOEF

S-4049

1 Amend House File 448, as passed by the House, as
2 follows:
3 1. Page 1, line 9, by striking the words “Sub-
4 stantially all” and inserting the following:
5 “Seventy-five percent or more”.
6 2. Page 1, line 11, by inserting after the word
7 “is” the following: “derived from one company and
8 is”.

BERL E. PRIEBE

S-4050

1 Amend the amendment, S-4045, to House File 778, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 12, by inserting after line 50 the
5 following:
6 “Sec. ____ . Section 172C.4, subsection 2, as
7 amended in this Act, and section 172C.6, as enacted in
8 this Act, are repealed on July 1, 2001. Effective
9 July 1, 2001, section 172C.4, subsection 2, Code 1989,
10 is reenacted.
11 Sec. ____ . Section 567.3, subsection 3, paragraph
12 d, as amended in this Act, and section 567.8A, as
13 enacted in this Act, are repealed on July 1, 2001.
14 Effective July 1, 2001, section 567.3, subsection 3,
15 paragraph d, Code 1989, is reenacted.”

RICHARD VARN

S-4051

1 Amend amendment, S-3871, to Senate File 220, as
2 follows:

3 1. Page 5, by inserting after line 6, the
4 following:

5 "Sec. ____ . Any property used in the operation of a
6 racetrack which is not exempt from property tax on
7 July 1 following the effective date of this Act shall
8 become exempt from property tax beginning with
9 property taxes payable in the fiscal year beginning
10 July 1 following the effective date of this Act to the
11 extent as follows:

12 1. For the first fiscal year, twenty percent
13 exempt from property taxes.

14 2. For the second fiscal year, forty percent
15 exempt.

16 3. For the third fiscal year, sixty percent
17 exempt.

18 4. For the fourth fiscal year, eighty percent
19 exempt.

20 5. For the fifth and succeeding fiscal years, one
21 hundred percent exempt from property taxes."

MICHAEL GRONSTAL

S-4052

1 Amend House File 753 as follows:

2 1. Page 18, by inserting after line 16 the fol-
3 lowing:

4 "The rules adopted by the director shall provide
5 for the continuation of existing state agency
6 contracts which provide for alternative waste
7 management not including incineration or land burial
8 of agency waste paper."

MICHAEL GRONSTAL
PAT DELUHERY
CHARLES BRUNER

S-4053

1 Amend House File 400, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 1 through 29.

COMMITTEE ON APPROPRIATIONS
JOE WELSH, Chairperson

S-4054

1 Amend the amendment, S-3995, to House File 753, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. By striking page 3, line 49, through page 4,
5 line 2.

6 2. Page 4, by striking lines 19 through 21.

7 3. By renumbering as necessary.

MICHAEL E. GRONSTAL
PAT DELUHERY
PAUL D. PATE
MARK R. HAGERLA

S-4055

1 Amend House File 271, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 28, the
4 following:

5 "Sec. 100. A city located in a county with a
6 population between ninety thousand and one hundred
7 twenty-five thousand, which has imposed a local option
8 tax for more than one year and seeks to change the
9 specific purpose for which the local option tax
10 revenues are expended notwithstanding any other
11 provisions of this chapter, shall by resolution change
12 the specific purpose for which the local option tax
13 revenues are expended. The resolution shall not be
14 effective before the expiration of sixty days
15 following the enactment of the resolution. Within
16 thirty days of the enactment of the resolution, a
17 referendum on the change of the specific purpose for
18 which the local option tax revenues are expended may
19 be requested by five percent of the citizens who voted
20 in the last election."

21 2. Page 1, by inserting after line 29, the
22 following:

23 "Sec. ____ . Section 100 is repealed January 1,
24 1990."

25 3. By renumbering as necessary.

DONALD V. DOYLE

S-4056

1 Amend House File 271, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 1, line 11, by striking the word
4 "subsection" and inserting the following:
5 "subsections".

6 2. Page 1, by inserting before line 26 the fol-
7 lowing:

8 "NEW SUBSECTION. 9. Local option taxes authorized
9 to be imposed as provided in this chapter shall not be
10 imposed on the sales of state property."

BERL E. PRIEBE

S-4057

1 Amend amendment, S-3871, to Senate File 220, as
2 follows:

3 1. Page 5, by inserting after line 6, the
4 following:

5 "Sec. ____ . Any property used in the operation of a
6 racetrack which is not exempt from property tax on
7 July 1 following the effective date of this Act shall
8 be exempt from property taxation beginning January 1
9 of the assessment year following a referendum at which
10 a majority of the voters voting on the question of the
11 exemption from property tax of such property favor the
12 exemption. A referendum on the question of exemption
13 from property taxation shall be submitted to the
14 qualified electors of the county in which the
15 racetrack is located upon receipt by the county
16 commissioner of elections of a petition requesting the
17 exemption from property taxation of the property used
18 in the operations of the racetrack signed by eligible
19 electors of the county equal in number to five percent
20 of the persons in the county who voted at the last
21 preceding state general election. The county
22 commissioner of elections shall submit the question of
23 the exemption from property tax at a state general
24 election or at a special election which may not be
25 held sooner than thirty days after publication of
26 notice of the ballot proposition."

EUGENE FRAISE

S-4058

1 Amend the House amendment, S-3983, to Senate File
2 519, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 3, by inserting after line 36 the
5 following:

6 "Sec. ____ . Section 906.5, Code 1989, is amended to
7 read as follows:

8 906.5 RECORD REVIEWED -- RULES.

9 1. Within one year after the commitment of a
10 person other than a class "A" felon, class "B" felon
11 convicted of murder in the second degree and serving a
12 sentence of more than twenty-five years, or a felon
13 servng a mandatory minimum sentence, other than a
14 class "A" felon, to the custody of the director of the
15 Iowa department of corrections, a member of the board
16 shall interview the person. Thereafter, at regular
17 intervals, not to exceed one year, the board shall
18 interview the person and consider the person's
19 prospects for parole or work release. However, if the
20 registration of a victim prohibits conducting a timely
21 interview as provided in this subsection, the
22 interview may be conducted within a reasonable period
23 of time after the one-year period or interval has
24 expired in order to provide the victim notice as
25 provided in section 910A.10, subsection 1, paragraph
26 "a".

27 Not less than twenty days prior to conducting a
28 hearing at which the board will interview the person,
29 the board shall notify the department of corrections
30 of the scheduling of the interview, and the department
31 shall make the person available to the board at the
32 person's institutional residence as scheduled in the
33 notice. However, if health, safety, or security
34 conditions require moving the person to another
35 institution or facility prior to the scheduled
36 interview, the department of corrections shall so
37 notify the board.

38 2. At the time of an interview required under this
39 section, the board shall consider all pertinent
40 information regarding the person, including the
41 circumstances of the person's offense, any presence
42 report which is available, the previous social history
43 and criminal record of the person, the person's
44 conduct, work, and attitude in prison, and the reports
45 of physical and mental examinations that have been
46 made.

47 3. A person while on parole or work release is

48 under the supervision of the district department of
49 correctional services of the district designated by
50 the board of parole. The department of corrections

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1 shall prescribe rules for governing persons on parole
2 or work release. The board may adopt other rules not
3 inconsistent with the rules of the department of
4 corrections as the board deems proper or necessary for
5 the performance of its functions.”

6 2. Page 3, by striking lines 37 through 42 and
7 inserting the following:

8 “Sec. ____ . Section 908.4, Code 1989, is amended to
9 read as follows:

10 908.4 PAROLE REVOCATION HEARING.

11 The parole revocation hearing shall be conducted by
12 ~~a an administrative parole revocation officer judge~~
13 who is an attorney ~~appointed pursuant to section~~
14 ~~904A.5~~. The revocation hearing shall determine the
15 following:

16 1. Whether the alleged parole violation occurred.

17 2. Whether the violator’s parole should be
18 revoked.

19 The ~~administrative parole revocation officer judge~~
20 shall make a verbatim record of the proceedings. The
21 alleged violator shall be informed of the evidence
22 against the violator, shall be given an opportunity to
23 be heard, shall have the right to present witnesses
24 and other evidence, and shall have the right to cross-
25 examine adverse witnesses, except if the ~~revocation~~
26 ~~officer judge~~ finds that a witness would be subjected
27 to risk or harm if the witness’ identity were
28 disclosed. The revocation hearing may be conducted
29 electronically.

30 Sec. ____ . Section 908.5, Code 1989, is amended by
31 striking the section and inserting in lieu thereof the
32 following:

33 908.5 DISPOSITION.

34 If a violation of parole is established, the
35 administrative parole judge may continue the parole
36 with or without any modification of the conditions of
37 parole. The administrative parole judge may revoke
38 the parole and require the parolee to serve the
39 sentence originally imposed, or may revoke the parole
40 and reinstate the parolee’s work release status. The
41 order of the administrative parole judge shall contain
42 findings of fact, conclusions of law, and a
43 disposition of the matter.

44 Sec. ____ . Section 908.6, Code 1989, is amended to

45 read as follows:

46 908.6 APPEAL OR REVIEW.

47 The order of the administrative parole ~~revocation~~
48 ~~officer~~ judge shall become the final decision of the
49 board of parole unless, within the time provided by
50 rule, the parole violator appeals the decision or a

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1 panel of the board reviews the decision on its own
2 motion. On appeal or review of the administrative
3 parole ~~revocation officer's~~ judge's decision, the
4 board panel has all the power which it would have in
5 initially making the revocation hearing decision. The
6 appeal or review shall be conducted pursuant to rules
7 adopted by the board of parole. The record on appeal
8 or review shall be the record made at the parole
9 revocation hearing conducted by the administrative
10 parole ~~revocation officer~~ judge.

11 Sec. ____ . Section 908.7, Code 1989, is amended to
12 read as follows:

13 908.7 WAIVER OF PAROLE REVOCATION HEARING.

14 The alleged parole violator may waive the parole
15 revocation hearing, in which event the administrative
16 parole ~~revocation officer~~ judge shall proceed to
17 determine the disposition of the matter. The
18 administrative parole ~~revocation officer~~ judge shall
19 dispose of the case as provided in section 908.4. The
20 administrative parole ~~revocation officer~~ judge shall
21 make a verbatim record of the proceedings. The waiver
22 proceeding may be conducted electronically.

23 Sec. ____ . Section 908.10, Code 1989, is amended by
24 striking the section and inserting in lieu thereof the
25 following:

26 908.10 CONVICTION OF A FELONY WHILE ON PAROLE.

27 When a person is convicted and sentenced to
28 incarceration in this state for a felony committed
29 while on parole, or is convicted and sentenced to
30 incarceration under the laws of any other state of the
31 United States or a foreign government or country for
32 an offense committed while on parole, and which if
33 committed in this state would be a felony, the
34 person's parole shall be deemed revoked as of the date
35 of the commission of the new felony offense.

36 The parole officer shall inform the sentencing
37 judge that the convicted defendant is a parole
38 violator. The term for which the defendant shall be
39 imprisoned as a parole violator shall be the same as
40 that provided in cases of revocation of parole for
41 violation of the conditions of parole. The new

42 sentence of imprisonment for conviction of a felony
 43 shall be served consecutively with the term imposed
 44 for the parole violation, unless a concurrent term of
 45 imprisonment is ordered by the court.
 46 The parolee shall be notified in writing that
 47 parole has been revoked on the basis of the new felony
 48 conviction, and a copy of the commitment order shall
 49 accompany the notification. The inmate's record shall
 50 be reviewed pursuant to the provisions of section

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1 906.5, or as soon as practical after a final reversal
 2 of the new felony conviction.
 3 An inmate may appeal the revocation of parole under
 4 this section according to the board of parole's rules
 5 relating to parole revocation appeals. Neither the
 6 administrative parole judge nor the board panel shall
 7 retry the facts underlying any conviction."
 8 3. Page 4, line 15, by inserting after the word
 9 "Act" the following: "relating to the administration
 10 of criminal justice, by providing for review of an
 11 offender's record, revocation of an offender's
 12 parole."
 13 4. Page 4, line 16, by striking the word "parole"
 14 and inserting the following: "parole,".
 15 5. By renumbering as necessary.

DONALD V. DOYLE
 EUGENE FRAISE
 BOB CARR
 MICHAEL E. GRONSTAL

S-4059

1 Amend the amendment, S-3871, to Senate File 220 as
 2 follows:
 3 1. Page 4, by inserting after line 7 the fol-
 4 lowing:
 5 "d. A tax credit equal to the amount of the
 6 property taxes paid on property used in the operation
 7 of the racetrack during the fiscal year ending during
 8 the track's racing season shall be granted. The
 9 city's and county's share of the tax as provided in
 10 paragraph "b" shall each be reduced by one-half of the
 11 amount of credit allowed under this paragraph."

CALVIN O. HULTMAN

S-4060

- 1 Amend House File 451, 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 11.2, unnumbered paragraph 1,
 6 Code 1989, is amended to read as follows:
 7 The auditor of state shall annually, and oftener if
 8 deemed necessary, make a full settlement between the
 9 state and all state officers and departments and all
 10 persons receiving or expending state funds, and shall
 11 annually make a complete audit of the books and
 12 accounts of every department of the state. However,
 13 the state board of regents may elect to have the audit
 14 of its books and accounts conducted by certified
 15 public accountants, certified in the state of Iowa, in
 16 the same manner and subject to the same conditions as
 17 provided for merged area schools under section 11.6."
 18 2. Title page, line 2, by inserting after the
 19 word "of" the following: "the state and its".
 20 3. By renumbering as necessary.

JACK NYSTROM
 BOB CARR
 MICHAEL E. GRONSTAL
 LARRY MURPHY

S-4061

- 1 Amend amendment, S-4045, to House File 778, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 7, by striking lines 6 through 11.
 5 2. By renumbering as necessary.

C. JOSEPH COLEMAN

HOUSE AMENDMENT TO
 SENATE FILE 470

S-4062

- 1 Amend Senate File 470, 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. ____ . NEW SECTION. 455B.116 RESULTS OF
6 ENVIRONMENTAL TESTS -- PUBLIC RECORDS.

7 The results of any test, which test is relative to
8 the purview of the department, and which test is
9 conducted or performed by an independent entity at the
10 request of a government body, as defined in section
11 22.1, or an agent or attorney for a government body,
12 are public records pursuant to chapter 22."

13 2. Page 1, line 2, by striking the word
14 "paragraph" and inserting the following:
15 "paragraphs".

16 3. Page 1, by striking lines 12 and 13 and
17 inserting the following: "generated in the state as a
18 whole by twenty-five percent of the amount generated
19 as of January 1, 1987, as reported in the biennial
20 reports collected by the United States environmental
21 protection agency. The twenty-five percent reduction
22 goal shall be reached as expeditiously as possible and
23 no later than July 1, 1994. In meeting the reduction
24 goal, elements "a" through "d" of the hazardous waste
25 management hierarchy shall be utilized. The
26 department, in cooperation with the small business
27 assistance center, shall reassess the twenty-five
28 percent reduction goal in 1994."

29 4. Page 1, line 17, by striking the word
30 "including" and inserting the following: "promote".

31 5. Page 1, line 19, by inserting after the word
32 "goal." the following: "In the promotion of the goal,
33 the following hazardous waste management hierarchy, in
34 descending order of preference, is established by the
35 department:

- 36 a. Source reduction for waste elimination.
- 37 b. On-site recycling.
- 38 c. Off-site recycling.
- 39 d. Waste treatment.
- 40 e. Incineration.
- 41 f. Land disposal.

42 NEW UNNUMBERED PARAGRAPH. Additionally, the
43 department shall establish and distribute to
44 generators a listing of hazardous waste materials
45 which are currently being recycled. The department
46 shall require that each hazardous waste generator in
47 the state submit, with the biennial report submitted
48 to the United States environmental protection agency,
49 a report of hazardous waste materials currently
50 designated as recyclable by the department which are

Page 2

- 1 not being recycled by the generator. The report shall
2 include the reason why the generator is not recycling
3 such products. A small generator which does not
4 submit a biennial report to the United States
5 environmental protection agency, shall provide the
6 information required to be submitted under this
7 paragraph on a form provided by the department, with
8 the submittal of the small generator's hazardous waste
9 permit fee.
- 10 **NEW UNNUMBERED PARAGRAPH.** The department shall
11 consult with representatives of industries which
12 generate hazardous waste and shall make
13 recommendations to the general assembly by January 1,
14 1991, concerning the possible application of a front-
15 end fee for substances which will result in the
16 generation of hazardous waste, the role of state
17 government in assisting the private sector in
18 establishing permanent, on-site, internal audit
19 functions, and other measures which state government
20 may initiate to encourage and assist generators of
21 hazardous waste in reducing the hazardous waste
22 generated.”
- 23 6. Page 2, line 1, by inserting after the word
24 “generators.” the following: “The department shall
25 conduct educational and informational programs. The
26 small business assistance center shall provide direct
27 waste minimization technical assistance to small
28 quantity hazardous waste generators.”
- 29 7. Page 2, by striking lines 8 through 25.
- 30 8. By renumbering, relettering, or redesignating
31 and correcting internal references as necessary.

S-4063

- 1 Amend the House amendment, S-3983, to Senate File
2 519, as amended, passed, and reprinted by the Senate,
3 as follows:
- 4 1. Page 1, line 8, by inserting after the word
5 “member” the following: “, except the chairperson,”.
- 6 2. Page 1, by striking line 10 and inserting the
7 following: “serve a term of four years beginning ~~and~~
8 ~~ending~~”.
- 9 3. Page 1, by striking lines 17 and 18 and
10 inserting the following: “consecutively be a full-
11 time, salaried member of the board. A”.
- 12 4. Page 3, line 30, by inserting after the word
13 “member” the following: “, except the chairperson,”.

- 14 5. Page 3, line 31, by inserting after the word
15 "assembly." the following: "The chairperson of the
16 board shall be paid a salary as determined by the
17 general assembly."
- 18 6. Page 3, line 46, by striking the word "five-
19 year" and inserting the following: "four-year".
- 20 7. Page 4, line 5, by striking the words "One
21 member" and inserting the following: "Two members".
- 22 8. Page 4, by striking lines 7 and 8.
- 23 9. Page 4, line 9, by striking the word "five-
24 year" and inserting the following: "four-year".
- 25 10. By renumbering as necessary.

TOM MANN
DONALD V. DOYLE
BOB CARR

S-4064

- 1 Amend House File 451, as amended, passed, and re-
2 printed by the House, as follows:

DIVISION S—4064A

- 3 1. Page 4, line 13, by inserting after the word
4 "year." the following: "The filing fee established
5 shall be based upon the complexity of the audit and
6 developed on a graduated scale with a minimum fee of
7 fifty dollars and a maximum fee of one hundred fifty
8 dollars.
- 9 The auditor of state shall develop a program for
10 reviewing selected work papers on the basis of once
11 every five years, using generally accepted principles
12 of audit review for quality assurance. A report shall
13 be made to the general assembly by January 15, 1990,
14 detailing such a review program, including an analysis
15 of its costs."

DIVISION S—4064B

- 16 2. Page 4, by inserting after line 13 the fol-
17 lowing:
18 "11. Notwithstanding subsection 10, the filing fee
19 collected for the filing of a report of examination
20 shall not be collected if the audit was performed by
21 the auditor of state."

ELAINE SZYMONIAK

S-4065

1 Amend the Committee amendment, S-4029, to House
2 File 769, as amended, passed, and reprinted by the
3 House, as follows:

4 1. Page 1, by striking lines 3 through 8 and
5 inserting the following:

6 " ____ . Page 4, line 14, by inserting after the
7 word "commission." the following: "Five percent of
8 the funds allocated to the open spaces account shall
9 be used to fund the protected waters program."

10 ____ . Page 4, by striking lines 16 through 24 and
11 inserting the following: "open space acquisition,
12 protection, and development programs. The department
13 shall give priority to acquisition and control of open
14 spaces of statewide significance. The department
15 shall also use these funds for developments on state
16 property. The total cost of an open spaces project
17 funded under this paragraph shall not exceed two
18 million dollars unless a public hearing is held on the
19 project in the area of the state affected by the
20 project. Political subdivisions of the state".

21 2. Page 1, by striking lines 14 through 21 and
22 inserting the following:

23 " ____ . Page 8, by striking lines 24 through 31 and
24 inserting the following: "management account. The
25 department shall use the moneys allocated to this
26 account for maintenance and expansion of state lands
27 and related facilities under its jurisdiction. The
28 authority to expand state lands and facilities under
29 this paragraph is limited to expansion of the state
30 lands and facilities already owned by the state.
31 There is appropriated from the state land management
32 account to the department".

JIM RIORDAN
EMIL HUSAK
LEONARD BOSWELL
C. JOSEPH COLEMAN
BERL E. PRIEBE
JACK W. HESTER

S-4066

1 Amend the amendment, S-4045, to House File 778, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking lines 48 through 50 and

5 inserting the following: "amount shall be used by the
6 department."

JIM RIORDAN

S-4067

1 Amend House File 780 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 15, by inserting after line 7, the
4 following:
5 "Sec. ____ . NEW SECTION. 724.28 APPLICABILITY OF
6 CHAPTER.
7 Except as provided in section 110.36, the
8 regulation of lawful ownership, possession,
9 registration, licensing, transfer, and transportation
10 of weapons are subject solely to this chapter."
11 2. By renumbering as necessary.

DONALD V. DOYLE

S-4068

1 Amend House File 772, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 10, by striking the figure
4 "4,187,362" and inserting the following: "4,527,362".
5 2. Page 1, line 11, by striking the figure
6 "157.5" and inserting the following: "158.5".
7 3. Page 2, by inserting after line 20 the follow-
8 ing:
9 "9. The balance of the fund created under section
10 321J.17 may be used to provide salary and support of
11 not more than 10.5 FTE positions, of which 4.5 FTE
12 positions shall be utilized in the department of
13 public safety for the operation and administration of
14 the missing persons clearinghouse and domestic abuse
15 registry, and to provide maintenance for the victim
16 compensation functions of the department of justice.
17 The department of justice shall reimburse the
18 department of public safety, from amounts deposited in
19 the fund created under section 321J.17, in an amount
20 of not more than \$167,028, for the operation and
21 administration of the missing persons clearinghouse
22 and domestic abuse registry.
23 The enactment of this subsection and the
24 appropriation of \$240,000 of the total amount

25 appropriated in subsection 1, are contingent upon the
26 enactment of 1989 Iowa Acts, House File 700.”

JOE WELSH

S-4069

1 Amend House File 772, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by striking line 20 and inserting the
4 following:

5 “ \$ 200,000

6 9. For the legal services corporation of Iowa:

7 \$ 75,000”.

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

10 “The office of consumer advocate may expend
11 additional funds, including funds for outside
12 consultants, if those additional expenditures are
13 actual expenses which exceed the funds budgeted for
14 utilities investigations and directly result from
15 investigations of utilities. Before the office
16 expends or encumbers an amount in excess of the funds
17 budgeted for investigations, the director of the
18 department of management shall approve the expenditure
19 or encumbrance. Before approval is given, the
20 director of the department of management shall
21 determine that the investigation expenses exceed the
22 funds budgeted by the general assembly to the office
23 of consumer advocate and that the office does not have
24 other funds from which investigation expenses can be
25 paid. Upon approval of the director of the department
26 of management, the office may expend and encumber
27 funds for excess investigation expenses. The amounts
28 necessary to fund the excess investigation expenses
29 shall be collected from those utilities being
30 investigated which caused the excess expenditures, and
31 the collections shall be treated as repayment receipts
32 as defined in section 8.2, subsection 5.”

33 3. Page 3, line 4, by striking the figure
34 “728,785” and inserting the following: “752,285”.

35 4. Page 3, line 5, by striking the figure “18.0”
36 and inserting the following: “19.0”.

37 5. Page 3, by inserting after line 9 the
38 following:

39 “As an additional condition, limitation, and
40 qualification of the appropriation the board of parole
41 shall employ an additional statistical research

42 analyst to assist with the application of the risk
43 assessment model in the parole decision-making
44 process. The board of parole shall also require the
45 board's administrative staff to begin cross-training
46 of the staff to assure that each individual on that
47 staff is familiar with all tasks performed by the
48 staff."

49 6. Page 7, line 20, by striking the figure
50 "1,833,714" and inserting the following: "1,973,714".

Page 2

1 7. Page 7, line 21, by striking the figure
2 "37.52" and inserting the following: "40.52".

3 8. Page 7, by inserting after line 21 the
4 following:

5 "As a condition, limitation, and qualification of
6 this appropriation, \$50,000 of the amounts
7 appropriated in this subsection shall be used for a
8 contractual agreement with a criminal justice research
9 firm to develop valid criteria for the purpose of
10 improving the community-based corrections risk/needs
11 assessment classification model. The department shall
12 implement a revised, standardized risk/needs
13 assessment classification model and case management
14 guidelines by March 1, 1990. The department shall
15 promulgate rules for the implementation and monitoring
16 of the risk/needs classification model. The
17 department shall monitor the use of the classification
18 model by the judicial district departments and has the
19 authority to override a district department's decision
20 regarding classification of community-based clients.
21 The department shall notify a district department of
22 the reasons for the override. The department shall
23 provide three full-time equivalent positions to
24 provide research and technical assistance to the
25 criminal justice research firm during the development
26 of the revised community-based corrections risk/needs
27 assessment model. These positions shall be
28 responsible for providing training services to the
29 districts for implementing the revised model and shall
30 monitor the districts' implementation and use of the
31 revised model."

32 9. Page 8, by inserting after line 10, the
33 following:

34 "Sec. ____ . There is appropriated from the general
35 fund of the state to the community-based correctional
36 division of the department of corrections for the
37 fiscal year beginning July 1, 1989, and ending June
38 30, 1990, the following amounts, or so much thereof as

39 is necessary, to be used for the purposes designated:

40 1. To employ an educational administrator and for
41 an education pilot project to implement the computer
42 training system for community-based correctional
43 program clients in the first and fifth judicial
44 districts, and for not more than the following full-
45 time equivalent positions:

46 \$ 450,000
47 FTEs 1.0

48 As a condition, limitation, and qualification of
49 the appropriation made under this subsection, the
50 administrator shall determine which computer training

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1 system meets the needs of the correctional program
2 clients to the greatest extent, and shall use such
3 system in the pilot project.

4 Upon request by the educational administrator, the
5 department of general services shall provide technical
6 assistance related to the evaluation, selection, and
7 use of computer hardware to be used in the pilot
8 project.

9 Upon request by the educational administrator, the
10 department of education shall provide technical
11 assistance related to the evaluation, selection, and
12 use of computer software and other educational
13 material to be used in the pilot project.

14 Funds appropriated under this subsection are not
15 subject to reversion under section 8.33.

16 2. For job training and development grant programs
17 to award grants under contract to nonprofit
18 organizations for community-based correctional
19 clients:

20 \$ 400,000

21 As a condition, limitation, and qualification of
22 the appropriation under this subsection, \$200,000
23 shall be used for a client development and job
24 training pilot project, \$120,000 shall be used for
25 contracting for services in the eighth judicial
26 district, and \$80,000 shall be used for contracting
27 for services in the seventh judicial district. Job
28 training grant programs must be designed and
29 administered so that the programs are not in direct
30 competition with other federal Job Training
31 Partnership Act programs in order to be eligible for
32 these grants.

33 3. For an offender reorientation project in the
34 fifth judicial district:

35 \$ 100,000

36 4. For an alternative sentencing project in the
 37 third judicial district, to provide judges and the
 38 parole board with alternatives to returning parole or
 39 probation violators to prison:
 40 \$ 200,000
 41 Violators who may be included in the project
 42 include class "C" and class "D" felons and persons
 43 convicted of an aggravated misdemeanor. Alternatives
 44 under the project could include, but are not limited
 45 to, local jail or community service sentencing.
 46 5. For costs associated with the design of prison
 47 expansion:
 48 \$ 250,000
 49 6. To provide for financial arrangements for and
 50 to begin construction of a \$8,332,880 expansion in

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1 prison capacity in the manner provided in this
 2 subsection:
 3 \$ 1,100,000
 4 a. Construction of an additional one hundred bed
 5 minimum security facility at Newton for parole and
 6 probation violators of which twenty-five beds are to
 7 be specifically used for substance abuse treatment
 8 programs for clients of the state adult corrections
 9 system and twenty-five beds are to be specifically
 10 used for work release inmates.
 11 b. Construction of a one hundred twenty bed medium
 12 security dormitory style facility at the Oakdale
 13 corrections campus along with the upgrading of the
 14 kitchen, dining room space, and records management at
 15 the campus.
 16 c. Replacement of the existing thirty community
 17 corrections residential bed facility with a new
 18 seventy-five community corrections residential bed
 19 facility at Cedar Rapids.
 20 d. The addition of thirty-six additional community
 21 corrections residential beds as determined by the
 22 department of corrections. However, these beds shall
 23 not be added until the department has notified and
 24 provided an explanation for the placement of the beds
 25 to the members of the corrections system review task
 26 force created in 1988 Iowa Acts, chapter 1271, section
 27 14.
 28 e. Renovation of sixty-five and the addition of
 29 twenty dormitory-style minimum security beds at farm
 30 three at the Fort Madison correctional facility.
 31 f. For a total designed capacity of seventy-one
 32 minimum security beds at the Luster Heights facility

33 by renovation of eighteen and the addition of
34 seventeen minimum security beds.”

35 10. Page 12, by inserting after line 4, the
36 following:

37 “Sec. ____ . There is appropriated from the general
38 fund of the state to the department of corrections for
39 the fiscal year beginning July 1, 1989, and ending
40 June 30, 1990, the following amounts, or so much
41 thereof as is necessary, to be used for the purposes
42 designated:

43 For the third judicial district department of
44 correctional services:

45 \$ 126,375

46 As a condition, limitation, and qualification of
47 this appropriation, \$76,375 shall be used for the
48 operating costs of ten new OWI program beds within the
49 district, and \$50,000 shall be used for the operating
50 costs of fifteen new community corrections residential

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1 beds within the district.

2 Sec. ____ . There is appropriated from the general
3 fund of the state to the department of corrections for
4 the period beginning January 1, 1990, and ending June
5 30, 1990, the following amounts, or so much thereof as
6 is necessary, to be used for the purposes designated:

7 For operating costs and twenty-one additional
8 positions for staffing and support for eighty-five
9 minimum security beds at farm three at the Fort
10 Madison correctional facility, contingent upon the
11 renovation of sixty-five and the addition of twenty
12 dormitory-style beds at farm three as provided in this
13 Act:

14 \$ 465,059

15 Sec. ____ . Notwithstanding any contrary provision
16 of law, the department shall establish a pilot program
17 within the third judicial district for the diversion
18 of OWI offenders. The department of corrections shall
19 develop standardized assessment criteria for the
20 assignment of offenders to a facility established
21 pursuant to section 246.513. The offender shall be
22 assigned by the director to a facility pursuant to
23 section 321J.2, subsection 2, paragraph “c”. If the
24 person cannot be assigned to a facility established
25 pursuant to section 246.513 due to insufficient bed
26 space, the person shall be released from custody upon
27 the person’s own recognizance, bond, or supervision by
28 the judicial district department of correctional
29 services until space is available. If an offender

30 fails to satisfactorily perform in a treatment program
 31 conducted in the residential facility operated by the
 32 judicial district department of correctional services,
 33 the offender shall be assigned to the Iowa medical
 34 classification facility at Oakdale for classification.
 35 The offender shall be assigned to an institution
 36 following classification.

37 Sec. ____ . The corrections system review task force
 38 established in 1988 Iowa Acts, chapter 1271, section
 39 14, shall request the consultant working with the task
 40 force in establishing the ten-year corrections master
 41 plan to evaluate the effect of the provisions of this
 42 Act on the state's corrections system while assisting
 43 the task force in developing the ten-year corrections
 44 master plan.

45 Sec. ____ . There is appropriated from the general
 46 fund of the state to the department of corrections for
 47 the fiscal year beginning July 1, 1989, and ending
 48 June 30, 1990, the following amount, or so much
 49 thereof as is necessary, to provide for the financing
 50 of and to begin construction of forty-four additional

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1 residential community corrections beds in the first
 2 judicial district:
 3 \$ 200,000"
 4 11. Page 12, line 19, by striking the figure
 5 "63,584,259" and inserting the following:
 6 "63,717,370".
 7 12. Page 12, line 26, by inserting after the word
 8 "county," the following: "\$50,000 shall be used for
 9 the addition of two juvenile court officers, \$68,327
 10 shall be used for the addition of two court reporters,
 11 \$14,784 shall be used for the addition of two half-
 12 time juvenile court specialists, \$184,000 shall be
 13 used to reimburse the auditor of state for expenses
 14 incurred in completing audits of the offices of the
 15 clerks of the district court during the fiscal year
 16 beginning July 1, 1989,".
 17 13. Page 13, line 6, by striking the figure
 18 "891,000" and inserting the following: "730,379".
 19 14. Page 13, by inserting after line 35 the
 20 following:
 21 "Sec. ____ . Funds appropriated for the fiscal year
 22 beginning July 1, 1988, and ending June 30, 1989, to
 23 the judicial department for the costs of adult
 24 indigent defense and costs of juvenile proceedings
 25 including attorney and witness fees, which remain on
 26 June 30, 1989, after the payment of all claims

27 submitted on or before June 30, 1989, for the fiscal
28 year beginning July 1, 1988, and pursuant to 1988 Iowa
29 Acts, chapter 1161, section 20, shall be transferred
30 to the department of inspections and appeals to be
31 used for the costs of adult indigent defense and costs
32 of juvenile proceedings, and shall not be subject to
33 reversion pursuant to section 8.33. Any claims
34 received by the judicial department after June 30,
35 1989, for adult indigent defense or juvenile
36 proceedings shall be forwarded to the department of
37 inspections and appeals for payment."

38 15. Page 14, line 27, by inserting after the word
39 "program" the following: ", and using the same line
40 item definitions of expenditures as used for the
41 current fiscal year's budget request."

42 16. Page 15, by striking lines 7 through 12, and
43 inserting the following:

44 "Sec. ____ . Section 356.15, Code 1989, is amended
45 to read as follows:

46 356.15 EXPENSES.

47 All charges and expenses for the safekeeping and
48 maintenance of prisoners shall be allowed by the board
49 of supervisors, except those committed or detained by
50 the authority of the courts of the United States, in

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1 which cases the United States must pay such expenses
2 to the county, and those committed for violation of a
3 city ordinance, in which case the city shall pay
4 expenses to the county. If a parole or probation
5 violinator is committed to a county jail pursuant to
6 section 908.9 or 908.11, the county shall be
7 reimbursed by the department of corrections in
8 accordance with section 906.18. If the violinator is
9 granted work release from the county jail, the
10 violinator is liable to the county for the cost of the
11 violinator's board as provided in section 356.30.
12 However, the state shall reimburse the county for the
13 balance of the cost of confining the violinator.

14 Sec. ____ . Section 905.1, subsection 2, Code 1989,
15 is amended to read as follows:

16 2. "Community-based correctional program" means
17 correctional programs and services designed to
18 supervise and assist individuals who are charged with
19 or have been convicted of a felony, an aggravated
20 misdemeanor or a serious misdemeanor, or who are on
21 probation or parole in lieu of or as a result of a
22 sentence of incarceration imposed upon conviction of
23 any of these offenses, or who have been confined in a

24 county jail as a result of revocation of probation or
 25 parole for conviction and sentence of a class "C" or
 26 "D" felony or aggravated misdemeanor, or who are
 27 contracted to the district department for supervision
 28 and housing while on work release.

29 Sec. ____ . Section 906.9, Code 1989, is amended to
 30 read as follows:

31 906.9 CLOTHING, TRANSPORTATION, AND MONEY.

32 When an inmate is discharged, paroled, or placed on
 33 work release, or placed in a community-based
 34 correctional program under section 246.513, the warden
 35 or superintendent shall furnish the inmate, at state
 36 expense, appropriate clothing and transportation to
 37 the place in this state indicated in the inmate's
 38 discharge, parole, or work release plan, or community-
 39 based corrections assignment. When an inmate is
 40 discharged, paroled, or placed on work release, or
 41 placed in a community-based correctional program under
 42 section 246.513, the warden or superintendent shall
 43 provide the inmate, at state expense, money in
 44 accordance with the following schedule:

45 1. Upon discharge or parole, one hundred dollars.

46 2. Upon being placed on work release, fifty
 47 dollars.

48 3. Upon going from an educational work release to
 49 parole or discharge, fifty dollars.

50 4. Upon being placed in a community-based

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1 correctional program under section 246.513, fifty
 2 dollars.

3 Those inmates receiving payment under subsection 2;
 4 or 3; or 4 shall not be eligible for payment under
 5 subsection 1 unless they are returned to the
 6 institution. The warden or superintendent shall
 7 maintain an account of all funds expended pursuant to
 8 this section.

9 Sec. ____ . NEW SECTION. 906.18 CONFINEMENT OF
 10 PAROLE AND PROBATION VIOLATORS BY COUNTIES --
 11 REIMBURSEMENT.

12 1. A county may enter into a chapter 28E agreement
 13 with the department of corrections for the confinement
 14 of parole and probation violators pursuant to section
 15 908.9 or 908.11, and the agreement may contain
 16 provisions relating to reimbursement to the county for
 17 confining the violators, and any other terms the
 18 contracting parties deem appropriate.

19 2. The department of corrections and counties may

20 commence negotiation and execution of the chapter 28E
21 agreements provided in subsection 1 on or after July
22 1, 1989.

23 3. Parole and probation violators may be confined
24 in county jails pursuant to sections 908.9 and 908.11
25 commencing January 1, 1990.

26 Sec. ____ . Section 908.9, Code 1989, is amended to
27 read as follows:

28 908.9 DISPOSITION OF VIOLATOR.

29 1. If the parole of a parole violator is revoked,
30 the violator shall remain in the custody of the Iowa
31 department of corrections under the terms of the
32 parolee's original commitment.

33 2. Notwithstanding subsection 1, if the parole of
34 a parole violator, originally committed to the
35 department for conviction of a class "C" or "D"
36 felony, or aggravated misdemeanor, is revoked, the
37 parole revocation officer or board panel shall
38 determine whether the violator is to remain in the
39 custody of the director of the department of
40 corrections under the terms of the parolee's original
41 commitment, or is to be confined in a county jail, for
42 a maximum period of one year, as part of the
43 violator's subsequent plan of parole or work release.
44 A violator shall be confined in a county jail only if
45 the violator is placed on work release, educational
46 work release, or in a community-based correctional
47 program and the county and the department of
48 corrections have entered into a chapter 28E agreement
49 pursuant to section 906.18. A violator assigned to
50 county jail confinement pursuant to this subsection

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1 shall be transported directly to the assigned county
2 jail, and shall remain under the jurisdiction of the
3 board of parole and under the supervision and
4 direction of the judicial district department of
5 correctional services. For purposes of this
6 subsection, a violator, who has been committed to the
7 custody of the director of the department of
8 corrections upon the imposition of consecutive
9 sentences for serious misdemeanor violations and the
10 consecutive sentences exceed a total of one year,
11 shall be considered to have been convicted of an
12 aggravated misdemeanor.

13 3. Notwithstanding subsections 2 and 4, if a
14 parolee's parole is subject to revocation, the
15 parolee's parole officer may recommend, and the parole

16 revocation officer or board panel may consider, as an
 17 alternative to revocation of the parolee's parole,
 18 placing the parolee in the minimum security facility
 19 at Newton, subject to available bed space, as part of
 20 the parolee's revised plan of parole. The parolee
 21 shall be placed directly in the Newton facility
 22 without reclassification at the Iowa medical
 23 classification facility at Oakdale.

24 4. If the parole of a parole violator is not
 25 revoked, the parole revocation officer or board panel
 26 shall order the person's release subject to the terms
 27 of the person's parole with any modifications that the
 28 parole revocation officer or board panel determines
 29 proper.

30 Sec. ____ . NEW SECTION. 908.9A CUSTODY OF PAROLE
 31 OR PROBATION VIOLATOR.

32 A parole or probation violator confined to a county
 33 jail pursuant to section 908.9 or 908.11 shall remain
 34 committed to the custody of the director of the
 35 department of corrections.

36 Sec. ____ . Section 908.11, Code 1989, is amended to
 37 read as follows:

38 908.11 VIOLATION OF PROBATION.

39 A probation officer or the judicial district
 40 department of correctional services having probable
 41 cause to believe that any person released on probation
 42 has violated the conditions of probation shall proceed
 43 by arrest or summons as in the case of a parole
 44 violation. The functions of the liaison officer and
 45 the board of parole shall be performed by the judge or
 46 magistrate who placed the alleged violator on
 47 probation if that judge or magistrate is available,
 48 otherwise by another judge or magistrate who would
 49 have had jurisdiction to try the original offense. If
 50 the probation officer proceeds by arrest, any

Page 10

1 magistrate may receive the complaint, issue an arrest
 2 warrant, or conduct the initial appearance and
 3 probable cause hearing if it is not convenient for the
 4 judge who placed the alleged violator on probation to
 5 do so. The initial appearance, probable cause
 6 hearing, and probation revocation hearing, or any of
 7 them, may at the discretion of the court be merged
 8 into a single hearing when it appears that the alleged
 9 violator will not be prejudiced thereby. If the
 10 violation is established, the court may continue the
 11 probation with or without an alteration of the
 12 conditions of probation. If the defendant is an adult

13 the court may hold the defendant in contempt of court
 14 and sentence the defendant to a jail term while
 15 continuing the probation, or may revoke the probation
 16 and require the defendant to serve the sentence
 17 imposed or any lesser sentence, and, if imposition of
 18 sentence was deferred, may impose any sentence which
 19 might originally have been imposed. If the defendant
 20 was originally committed to the custody of the
 21 department of corrections, the defendant's sentence
 22 was suspended or deferred, and the defendant has been
 23 placed on probation for violation of a class "C" or
 24 "D" felony or an aggravated misdemeanor, and a
 25 violation of probation has been established, the court
 26 may revoke probation and, as an alternative to serving
 27 the sentence originally imposed, require the defendant
 28 to serve a maximum term of imprisonment of one year in
 29 a county jail if the defendant is eligible for work
 30 release, educational work release, or a community-
 31 based correctional program and the county and the
 32 department of corrections have entered into a chapter
 33 28E agreement pursuant to section 906.18. A probation
 34 violatee confined in a county jail pursuant to this
 35 section shall remain under the supervision and
 36 direction of the violatee's probation officer. For
 37 purposes of this section, a person who receives
 38 consecutive sentences for serious misdemeanor
 39 violations, which sentences are not suspended and
 40 exceed a total of one year, shall be considered to
 41 have committed an aggravated misdemeanor."
 42 17. By renumbering, relettering, or redesignating
 43 and correcting internal references as necessary.

COMMITTEE ON APPROPRIATIONS
 JOE J. WELSH, Chairperson

S-4070

1 Amend the amendment, S-4045, to House File 778, as
 2 amended, passed, and reprinted by the House as
 3 follows:
 4 1. Page 8, by inserting after line 10 the
 5 following:
 6 "___ . The agricultural land is used for the
 7 primary purpose of testing, developing, or producing
 8 seeds or plants for sale or resale to farmers as seed
 9 stock. Grain which is not sold as seed stock is an
 10 incidental sale and must be less than twenty-five
 11 percent of the gross sales of the primary product of

- 12 the research and experimental activities.”
- 13 2. Page 8, by striking lines 15 and 16 and
14 inserting the following: “animals for sale or resale
15 to farmers as breeding stock. However,”.
- 16 3. Page 8, line 31, by striking the words “or
17 seed stock or” and inserting the following: “of”.
- 18 4. Page 8, by striking line 33, and inserting the
19 following: “breeding stock or breeding stock
20 progeny”.
- 21 5. Page 8, by striking line 44 and inserting the
22 following:
23 “Culls and test animals may be sold”.
- 24 6. Page 9, line 2, by striking the words “seed
25 stock or”.
- 26 7. Page 9, line 19, by striking the words “seed
27 stock or”.
- 28 8. Page 9, by striking lines 21 through 23 and
29 inserting the following:
30 “5. The number or volume of breeding stock
31 purchased by each person purchasing breeding stock
32 produced on the agricultural land.”
- 33 9. Page 11, by inserting after line 38 the
34 following:
35 “—. The agricultural land is used for the
36 primary purpose of testing, developing, or producing
37 seeds or plants for sale or resale to farmers as seed
38 stock. Grain which is not sold as seed stock is an
39 incidental sale and must be less than twenty-five
40 percent of the gross sales of the primary product of
41 the research and experimental activities.”
- 42 10. Page 11, by striking lines 40 and 41 and
43 inserting the following: “purpose of testing,
44 developing, or producing animals for sale or resale to
45 farmers as”.
- 46 11. Page 11, line 42, by striking the words “seed
47 stock or”.
- 48 12. Page 12, by striking lines 8 and 9, and
49 inserting the following: “breeding stock or breeding
50 stock progeny subsequent to the sale.”

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- 1 13. Page 12, by striking line 15 and inserting
2 the following:
3 “Culls and test animals may be sold”.
- 4 14. Page 12, line 22, by striking the words “seed
5 stock or”.
- 6 15. Page 12, line 46, by striking the words “seed
7 stock or”.
- 8 16. Page 12, by striking lines 48 through 50 and

9 inserting the following:
10 "5. The number or volume of breeding stock
11 purchased by each person purchasing breeding stock
12 produced on the agricultural land."

BERL E. PRIEBE
JIM RIORDAN
JACK W. HESTER

S-4071

1 Amend House File 778, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 12, by inserting before line 14 the
4 following:
5 "Sec. ____ . There is appropriated from the general
6 fund of the state for the fiscal year beginning July
7 1, 1989, and ending June 30, 1990, the following
8 amount, or so much thereof as is necessary, to be used
9 to restore and repair the Klondike dam in Lyon county:
10 \$ 50,000".
11 2. By renumbering as necessary.

RICHARD VANDE HOEF

S-4072

1 Amend House File 764, as passed by the House, as
2 follows:
3 1. Page 2, by inserting after line 10 the
4 following:
5 "Sec. ____ . Section 258A.2, Code 1989, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 4. A person licensed to sell real
8 estate in this state shall be deemed to have complied
9 with the continuing education requirements of this
10 state during periods that the person serves honorably
11 on active duty in the military services, or for
12 periods that the person is a resident of another state
13 or district having a continuing education requirement
14 for the occupation or profession and meets all
15 requirements of that state or district for practice
16 therein, if the state or district accords the same
17 privilege to Iowa residents, or for periods that the
18 person is a government employee working in the
19 person's licensed specialty and assigned to duty
20 outside of the United States, or for other periods of
21 active practice and absence from the state approved by

- 22 the appropriate board of examiners.”
 23 2. Title page, line 2, by inserting after the
 24 word “appropriation” the following: “and relating to
 25 reciprocity in continuing education requirements for
 26 persons licensed to sell real estate in this state”.
 27 3. By renumbering as necessary.

CALVIN O. HULTMAN

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 775

S-4073

- 1 Amend the Senate amendment, H-4329, to House File
 2 775, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, by striking lines 3 through 9.
 5 2. Page 1, line 19, by striking the figure
 6 “409,790” and inserting the following: “434,290”.
 7 3. Page 1, by inserting after line 19, the
 8 following:
 9 “___ . Page 4, line 22, by striking the figure
 10 “30.5” and inserting the following: “32.0”.
 11 4. Page 1, by striking lines 28 through 30, and
 12 inserting the following:
 13 “___ . Page 5, by striking lines 11 through 15,
 14 and inserting the following:
 15 “Of the funds appropriated to the department for
 16 administration of the area agencies on aging for the
 17 long-term care residents’ advocate and the care review
 18 committees at the local area agency on aging level, a
 19 local area agency on aging shall match the funds”.
 20 5. Page 1, by inserting after line 43, the
 21 following:
 22 “___ . Page 7, line 24, by striking the figure
 23 “70.0” and inserting the following: “71.0”.
 24 6. Page 2, by inserting after line 2, the
 25 following:
 26 “___ . Page 7, line 34, by inserting after the
 27 word “for” the following: “equipment and”.
 28 7. By renumbering, relettering, or redesignating
 29 and correcting internal references as necessary.

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 579

S-4074

- 1 Amend the Senate amendment, H-4364, to House File

2 579, as passed by the House, as follows:

- 3 1. Page 1, line 17, by striking the word
- 4 "pharmacotherapy". and inserting the following:
- 5 "chemotherapy".

S-4075

1 Amend House File 780, as amended, passed, and
2 reprinted by the House, as follows:

- 3 1. By striking page 1, line 1 through page 4,
- 4 line 28, and inserting the following:
- 5 Sec. ____ NEW SECTION. 80E.1 NARCOTICS
- 6 ENFORCEMENT".

7 2. Page 5, line 9, by inserting after the figure
8 "69.19." the following: "These members shall not be
9 serving as an officer within their respective
10 associations at the time of appointment or at any time
11 while serving on the advisory council."

12 3. Page 5, line 19, by striking the word
13 "oversee" and inserting the following: "advise".

14 4. By striking page 5, line 26, through page 6,
15 line 11.

16 5. Page 8, by inserting after line 10 the
17 following:

18 "3. For the division of criminal investigation and
19 bureau of identification, for the purchase and use of
20 deoxyribonucleic acid recording equipment for purposes
21 of DNA profiling, and not more than the following
22 full-time equivalent positions:

23	.....	\$	59,024
24	.....	FTEs	2.0".

25 6. Page 8, by striking lines 21 through 28 and
26 inserting the following: "appropriation, \$424,000
27 shall be used to provide twenty-five".

28 7. Page 8, line 34, by striking the figure
29 "376,000" and inserting the following: "480,000".

30 8. Page 9, by inserting after line 4, the
31 following:

32 "Sec. ____ . The department of human services, in
33 coordination with the division of criminal and
34 juvenile justice planning of the department of human
35 rights, the juvenile court, and the division of
36 substance abuse of the Iowa department of public

37 health, shall identify the need for additional
38 juvenile substance abuse treatment programs within the
39 state, the necessary reimbursement structure under
40 foster care for such programs to be established and
41 maintained, and the security needs for such programs.
42 The department shall submit to the general assembly a
43 report of its findings no later than January 1, 1990.
44 The department shall make use of this report in
45 providing start-up funds for additional shelter or
46 group home programs within the state, if funds are
47 made available to the department for this purpose.”
48 9. Page 15, by striking line 7, and inserting the
49 following: “indeterminate sentence prescribed by law.
50 Sec. ____ . NEW SECTION. 256.40 FINDINGS.

Page 2

1 Greater collaboration and coordination is necessary
2 among state agencies in addressing the many challenges
3 faced by Iowa in assuring the full development of the
4 state's youth into the productive work force necessary
5 for the twenty-first century. Public policy attention
6 must be placed upon the needs of at-risk adolescents
7 and adolescents in at-risk communities. Iowa youth
8 are at risk of a variety of personal and social
9 problems including drug abuse and dependency, school
10 dropout, juvenile delinquency, adolescent suicide, and
11 adolescent pregnancy, all of which can lead to adult
12 unemployment and welfare dependency. Approaches to
13 such adolescent problems should be dealt with in a
14 comprehensive and coordinated fashion that involves
15 the schools, community programs serving youth, and the
16 private sector in providing positive youth
17 alternatives. The state should play a significant
18 role in aiding in such collaborative efforts within
19 local communities.
20 Sec. ____ . NEW SECTION. 256.41 YOUTH 2000
21 COORDINATING COUNCIL CREATED.
22 A youth 2000 coordinating council is created within
23 the department of education. The council consists of
24 the following persons:
25 1. The director of the department of education, or
26 the director's designee.
27 2. The administrator of the division of job
28 training and entrepreneurship assistance of the
29 department of economic development, or the
30 administrator's designee.
31 3. The administrator of the division of children,
32 youth and families in the department of human rights,
33 or the administrator's designee.

- 34 4. The administrator of the division of substance
35 abuse of the Iowa department of public health, or the
36 administrator's designee.
- 37 5. The administrator of the division of criminal
38 and juvenile justice planning, or the administrator's
39 designee.
- 40 6. The administrator of the division of children
41 and youth programs within the department of human
42 services, or the administrator's designee.
- 43 7. The president of the Iowa association of school
44 boards, or the president's designee.
- 45 8. The president of the Iowa state education
46 association, or the president's designee.
- 47 Sec. ____ . NEW SECTION. 256.42 COUNCIL
48 RESPONSIBILITIES.
- 49 The youth 2000 coordinating council shall do all of
50 the following:

Page 3

- 1 1. Identify ways in which state agencies can
2 coordinate the delivery of state services for youth
3 within local communities, including ways in which
4 local schools can coordinate services with other youth
5 services programs.
- 6 2. Identify ways in which state policy should be
7 modified to provide for greater collaboration in
8 addressing youth problems and provide greater
9 efficiency in meeting youth needs.
- 10 3. Identify program models for use in local
11 communities for after school and summer youth
12 employment efforts involving public-private
13 partnerships to serve as alternatives to school
14 dropout and drug use by youth.
- 15 4. Assist the department of education in providing
16 oversight and assistance to the school-based youth
17 services education program established pursuant to
18 1989 Iowa Acts, House File 535.
- 19 5. Subject to the availability of funds for this
20 purpose, award community planning grants for
21 collaborative efforts to establish local drug
22 prevention and youth development programs.
- 23 6. Provide assistance to local communities and the
24 Iowa department of public health in using substance
25 abuse prevention funds available through federal and
26 foundation funding sources.
- 27 7. Seek outside funding support for statewide and
28 regional workshops and conferences on collaborative
29 efforts to address youth problems.
- 30 8. Serve as a clearinghouse on collaborative

31 efforts to provide youth development opportunities for
32 at-risk youth and youth in at-risk communities.
33 9. Report annually to the governor on public
34 policy options available in Iowa to reduce the use of
35 drugs by Iowa's youth and to address other important
36 youth issues.

37 Sec. ____ . Section 730.5, subsection 2, Code 1989,
38 is amended to read as follows:

39 2. Except as provided in subsection 7, an employer
40 shall not require or request employees or applicants
41 for employment to submit to a drug test as a condition
42 of employment, preemployment, promotion, or change in
43 status of employment. An employer shall not request,
44 require, or conduct random or blanket drug testing of
45 employees. However, this section does not apply to
46 preemployment drug tests authorized for peace officers
47 or correctional officers of the state, or to drug
48 tests required under federal ~~statutes~~ laws, or to drug
49 tests conducted pursuant to a nuclear regulatory
50 commission policy statement, or to drug tests

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1 conducted to determine if an employee is ineligible to
2 receive workers' compensation under section 85.16,
3 subsection 2."

4 10. Page 29, by inserting after line 14, the
5 following:

6 "Sec. ____ . The department of education shall
7 develop programs for juveniles designed to provide
8 alternative activities for juveniles in an effort to
9 reduce the participation of the target population in
10 gang activities and other delinquent acts. The
11 department shall report to the legislative fiscal
12 committee before August 1989 with respect to the
13 programs developed.

14 Sec. ____ . The legislative council shall consider
15 establishing a commission to study illegal drug
16 activities in the state of Iowa and efforts to combat
17 this growing problem. If established, the commission
18 shall study the appropriate aid to be provided to
19 state and local law enforcement agencies for the
20 apprehension of persons engaged in unlawful activities
21 relating to drugs, the proper role for state
22 government in coordinating these enforcement
23 activities, the treatment of substance abusers, the
24 relationship between the use of illegal drugs and the
25 commission of criminal offenses not related to illegal
26 drugs in Iowa, and other related matters. The
27 commission should report its findings and

- 28 recommendations to the legislative council and the
29 general assembly by January 15, 1990.”
30 11. Page 29, by striking lines 16 and 17.
31 12. Title page, line 2, by inserting after the
32 word “enforcement” the following: “, correcting a
33 reference to federal laws.”
34 13. Renumber as necessary.

COMMITTEE ON APPROPRIATIONS
JOE WELSH, Chairperson

HOUSE AMENDMENT TO
SENATE FILE 51

S-4076

- 1 Amend Senate File 541 as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 11, by inserting after line 15 the
4 following:
5 “c. As a condition, qualification, and limitation
6 of the funds appropriated in this section, the
7 department shall review the reimbursement schedule
8 used for reimbursement of satellite child day care
9 homes and modify the schedule to reflect actual
10 expenses of operating the homes.”
11 2. Page 12, by inserting after line 14 the
12 following:
13 “___ . Notwithstanding section 237A.18, funds
14 appropriated under this section may be used for
15 reimbursement of a child day care program established
16 by a school pursuant to section 279.49.”
17 3. Page 13, line 4, by inserting after the word
18 “program.” the following: “The council shall ensure
19 that the selected program utilizes state funds to
20 supplement and not supplant funds available under the
21 federal Job Training Partnership Act (JTPA) or other
22 existing work and training programs, that the local
23 JTPA program and other local programs are active
24 participants in the selected program, and that the
25 selected program does not duplicate programs that
26 exist within the JTPA service delivery area in which
27 the selected program is located.”
28 4. Page 26, line 34, by inserting after the word
29 “services” the following: “primarily”.
30 5. Page 27, line 33, by striking the words “up
31 to”.
32 6. Page 38, by inserting after line 17 the

33 following:

34 " ____ . As a condition, qualification, and
 35 limitation of the funds appropriated in this section,
 36 if the division of community services staffing level
 37 meets the funded full-time equivalent position limit
 38 authorized under this section and a district
 39 identifies a critical position vacancy or a position
 40 with a caseweight factor greater than one hundred
 41 twenty percent of the budgeted caseweight factor for
 42 the position, the director of human services may
 43 exceed the full-time equivalent position limit
 44 authorized under this section in the amount necessary
 45 to fill the critical position vacancy or to reduce the
 46 caseweight factor to the budgeted level. For purposes
 47 of this subsection, "critical position vacancy"
 48 includes a clerical position in an office limited to a
 49 single clerical staff position. The budgeted
 50 caseweight factor for the fiscal year beginning July

Page 2

1 1, 1989, and ending June 30, 1990, is 155 for income
 2 maintenance workers and 151 for social workers. The
 3 department shall report monthly to the legislative
 4 fiscal bureau regarding caseweight factor computations
 5 in each district, the statewide average caseweight
 6 factor, the existence of a critical vacancy in any
 7 district, and action taken by the department to
 8 address any critical position vacancy problem or
 9 excess caseweight factor."

10 7. Page 43, by striking line 6 and inserting the
 11 following: "adopted pursuant to sections 1, 2, 4, 6,
 12 7, 8, 11, 12, 13, 14, 15,".

13 8. Page 43, by inserting after line 31 the
 14 following:

15 "Sec. 100. Notwithstanding 1988 Iowa Acts, chapter
 16 1276, section 8, subsection 2, the Iowa juvenile home
 17 is not required to establish a diagnostic program and
 18 short-term high-impact program for adjudicated female
 19 delinquents and adjudicated "child in need of
 20 assistance" boys and girls residing at the state
 21 juvenile home until the juvenile home is able to
 22 reduce the juvenile home's population to seventy-two,
 23 which will provide a living unit for the evaluation
 24 program."

25 9. Page 45, by striking lines 17 and 18 and
 26 inserting the following:

27 "Sec. ____ . EFFECTIVE DATE. Section 23, subsection
 28 1, and section 100 of this Act, being deemed of

- 29 immediate importance, take effect”.
30 10. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 540

S-4077

- 1 Amend Senate File 540, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 4, line 31, by striking the word
4 “licensed” and inserting the following: “accredited
5 to provide psychiatric services by the joint
6 commission on the accreditation of health care
7 organizations under the commission’s consolidated
8 standards for residential settings”.
9 2. Page 15, by striking line 31 and inserting the
10 following: “four days per month for days an
11 individual child is not”.
12 3. Page 15, by inserting after line 32, the
13 following:
14 “Sec. ____ . Section 239.5, Code 1989, is amended by
15 adding the following new subsection and renumbering
16 the subsequent subsection:
17 NEW SUBSECTION. 7. a. The schedule of basic
18 needs in effect on July 1, 1989, is established as the
19 base schedule of basic needs.
20 b. For the fiscal year beginning July 1, 1990, the
21 schedule of basic needs shall be the base schedule of
22 basic needs plus an amount equal to the annual
23 percentage rate of change in the consumer price index
24 as tabulated by the federal bureau of labor statistics
25 for the current fiscal year times the base schedule of
26 basic needs.
27 c. The base schedule of basic needs plus the
28 percentage rate of change amount as computed in
29 paragraph “b” shall become the base schedule of basic
30 needs for the succeeding fiscal year. The percentage
31 rate of change amount shall continue to be applied in
32 each fiscal year until the schedule of basic needs is
33 equal to the schedule of living costs utilized by the
34 department. If applying the full percentage change
35 amount would cause the schedule of basic needs to
36 exceed the schedule of living costs, the schedule of
37 basic needs shall only be increased by an amount that
38 would cause the schedule of basic needs to equal the
39 schedule of living costs.”
40 4. Page 16, by inserting after line 10 the

41 following:

42 "Sec. ____ . Section 249C.1, Code 1989, is amended
43 by adding the following new subsection:

44 **NEW SUBSECTION. 6.** "Unemployed parent-community
45 work experience program" means a program which
46 requires primary wage earners of families receiving
47 aid to dependent children-unemployed parent assistance
48 to perform community work at public or nonprofit
49 organizations.

50 Sec. ____ . Section 249C.9, Code 1989, is amended to

Page 2

1 read as follows:

2 249C.9 WORKERS' COMPENSATION LAW APPLICABLE.

3 Each eligible person, with respect to work
4 performed under this chapter, shall be covered by the
5 workers' compensation law or shall otherwise be
6 provided with comparable protection.

7 Notwithstanding the provisions of chapter 85, a
8 participant in a work and training program established
9 pursuant to section 249C.5, subsection 3, shall be
10 considered an employee for purposes of workers'
11 compensation insurance.

12 Notwithstanding the provisions of chapter 85, the
13 work site organization to which a participant is
14 assigned to perform work and which is in charge of
15 that participant's work in a work and training program
16 established pursuant to section 249C.5, subsection 3,
17 shall be considered the employer for purposes of
18 workers' compensation insurance.

19 Notwithstanding the provisions of chapter 87, where
20 the eligible person is performing work as a
21 participant in an unemployed parent-community work
22 experience program, the public or nonprofit
23 organization operating the program shall provide
24 workers' compensation insurance. The insurance
25 liability policy shall identify the work site to which
26 the eligible person is assigned as the insured
27 employer for workers' compensation purposes.

28 Notwithstanding the minimum benefit provisions of
29 chapter 85, a person entitled to benefits pursuant to
30 this section is entitled to receive a minimum weekly
31 benefit amount for a permanent partial disability
32 under section 85.34, subsection 2, or for a permanent
33 total disability under section 85.34, subsection 3,
34 equal to the weekly benefit amount of a person whose
35 gross weekly earnings are thirty-five percent of the
36 statewide average weekly wage computed pursuant to
37 section 96.3 and in effect at the time of the injury."

- 38 5. Title page, by striking lines 5 and 6 and
39 inserting the following: "child's expenses, the
40 schedule of basic needs under the aid to dependent
41 children program, the costs of a child's care in a
42 state juvenile institution, applicability of the
43 workers' compensation law to certain recipients of
44 public assistance, child support recovery, and
45 certain".
46 6. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 178

S-4078

- 1 Amend the Senate amendment, H-4174, to House File
2 178, as amended, passed and reprinted by the House, as
3 follows:
4 1. By striking page 1, line 17, through page 7,
5 line 1.
6 2. By renumbering as necessary.

S-4079

- 1 Amend House File 780, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 8, line 19, by striking the figure
4 "1,000,000" and inserting the following: "904,000".
5 2. Page 9, by striking lines 5 through 11.
6 3. Title page, line 2, by striking the words "and
7 creating a new department of drug control".
8 4. Renumber as necessary.

DALE TIEDEN

S-4080

- 1 Amend the House amendment, S-4077, to Senate File
2 540 as amended, passed and repinted by the Senate as
3 follows:
4 1. By striking page 1, line 40 through page 2,
5 line 37.

6 2. Page 2, by striking lines 42 through 44 and
7 inserting the following: "state juvenile institution,
8 child support recovery, and".

CALVIN O. HULTMAN

S-4081

1 Amend House File 355, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 6 through 10, and
4 inserting the following:
5 "3. "Solicitation" means contact by a travel
6 agency or travel agent of a customer for the purpose
7 of selling or offering to sell travel services."
8 2. Page 2, line 1, by striking the word
9 "initial".
10 3. Page 2, lines 2 and 3, by striking the words
11 "by mail, telephone, or other form of
12 telecommunications".
13 4. Page 2, line 12, by striking the word
14 "initial".
15 5. Page 2, lines 12 and 13 by striking the words
16 "by mail, telephone, or other form of
17 telecommunications".
18 6. Page 3, by striking lines 12 and 13.
19 7. Page 3, line 35, by inserting after the word
20 "chapter" the following: ", but not to exceed fifteen
21 dollars per year per agency".
22 8. Page 4, by striking lines 3 through 7, and
23 inserting the following:
24 "A registrant shall submit to the secretary
25 corrections to the information supplied in the
26 registration statement within a reasonable time after
27 a change in circumstances, which circumstances would
28 be required to be reported in an initial registration
29 statement, except travel agents names as required in
30 subsection 5, paragraph "b". The names of travel
31 agents shall be updated at the time of annual
32 registration."
33 9. Page 4, by striking lines 12 through 17, and
34 inserting the following:
35 "1. An application for a travel agency must be
36 accompanied by a surety or cash performance bond in
37 conformity with rules adopted by the secretary in the
38 principal amount of ten thousand dollars, with an
39 aggregate limit of ten thousand dollars. The bond
40 shall be executed by a surety company authorized to do

41 business in this state, and the bond shall be
42 continuous in nature until canceled by the surety with
43 not less than sixty days written notice to both the
44 registrant and to the secretary. The notice shall
45 indicate the surety's intent to cancel the bond on a
46 date at least sixty days after the date of the
47 notice."
48 10. Page 4, line 28, by striking the words "or
49 other equitable relief".
50 11. Page 5, line 19, by striking the word "a."

Page 2

1 12. Page 5, by striking lines 26 through 32.
2 13. Page 6, line 26, by striking the word
3 "initial".
4 14. By renumbering, relettering, and
5 redesignating as necessary.

RICHARD RUNNING
WILLIAM PALMER
ELAINE SYZMONIAK

S-4082

1 Amend House File 400, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 3, line 31, by striking the word "one"
4 and inserting the following: "two".
5 2. Page 4, line 21, by striking the word "one"
6 and inserting the following: "two".
7 3. Page 5, line 28, by striking the word
8 "September" and inserting the following: "October".
9 4. Page 5, line 34, by striking the word
10 "September" and inserting the following: "October".
11 5. Page 10, line 32, by striking the words
12 "without delay." and inserting the following: "within
13 five days of the receipt of the report. Nothing in
14 this subsection requires nor in the procedures
15 established by the director shall require prior
16 notification to the director of the state agency's
17 intent to apply or the state agency's applying for
18 federal, private or nonstate funds for a capital
19 project."

RICHARD VARN
JOE WELSH
EUGENE FRAISE
JIM RIORDAN

JIM LIND
 JEAN LLOYD-JONES
 DALE L. TIEDEN

S-4083

1 Amend the amendment, S-4069, to House File 772, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 4, by striking lines 4 through 10 and
 5 inserting the following:
 6 "a. The addition of one hundred additional medium
 7 security beds to be located as determined by the
 8 department of corrections. However, these beds shall
 9 not be added until the department has notified and
 10 provided an explanation for the placement of the beds
 11 to the members of the corrections system review task
 12 force created in 1988 Iowa Acts, chapter 1271, section
 13 14."

CALVIN O. HULTMAN
 LINN FUHRMAN

S-4084

1 Amend House File 772, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 6, line 29, by striking the word "twenty-
 4 five" and inserting the following: "fifty".
 5 2. Page 7, line 11, by striking the word "twenty-
 6 five" and inserting the following: "fifty".

DONALD V. DOYLE
 JOE J. WELSH

S-4085

1 Amend Senate File 536 as follows:
 2 1. Page 4, line 19, by inserting after the word
 3 "parole" the following: "who shall be compensated on
 4 a per diem basis for actual days worked prorated
 5 the annual salary determined as provided in this
 6 section".

BOB CARR

S-4086

1 Amend House File 780, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 13, line 14, by inserting after the word
4 "school," the following: "the real property
5 comprising a video arcade, or any other property upon
6 which is located an establishment intended primarily
7 for the use of minors and where ten or more minors may
8 be assembled together at any particular time during
9 the regular business hours of the establishment."
10 2. Page 13, line 32, by inserting after the word
11 "school," the following: "the real property
12 comprising a video arcade, or any other property upon
13 which is located an establishment intended primarily
14 for the use of minors and where ten or more minors may
15 be assembled together at any particular time during
16 the regular business hours of the establishment."

TOM MANN, Jr.

S-4087

1 Amend House File 780, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking page 9, line 12, through page 13,
4 line 2, and inserting the following:
5 "Sec. ____ . Section 204.401, Code 1989, is amended
6 by adding the following new subsections:
7 **NEW SUBSECTION. 4.** A person in the immediate
8 possession or control of a firearm while participating
9 in a violation of subsections 1 and 2 shall be
10 sentenced to two times the term otherwise imposed by
11 law, and no such judgment, sentence, or part thereof
12 shall be deferred or suspended.
13 **NEW SUBSECTION. 5.** A person in the immediate
14 possession or control of an offensive weapon, as
15 defined in section 724.1, while participating in a
16 violation of subsections 1 and 2, shall be sentenced
17 to three times the term otherwise imposed by law, and
18 no such judgment, sentence, or part thereof shall be
19 deferred or suspended."
20 2. Page 13, by striking lines 11 through 15 and
21 inserting the following: "serve a minimum term of
22 confinement of five years."
23 3. Page 13, by striking lines 29 through 33 and
24 inserting the following: "eighteen years of age

25 commits a class "B" felony."
26 4. By renumbering as necessary.

TOM MANN, Jr.

S-4088

1 Amend amendment, S-4069, to House File 772, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 6 and 7.

AL STURGEON

S-4089

1 Amend the Committee amendment, S-4069, to House File
2 772 as amended, passed and reprinted by the House as
3 follows:
4 1. Page 5, by striking lines 15 through 36.

CALVIN O. HULTMAN

S-4090

1 Amend the House amendment, S-4076, to Senate File
2 541, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking lines 9 and 10 and
5 inserting the following: "homes."
6 2. Page 1, by striking line 13 and inserting the
7 following: "" . Funds".

CHARLES BRUNER

S-4091

1 Amend the amendment, S-4069, to House File 772 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 2, by striking line 40 and inserting the
4 following:
5 "1. For".
6 2. Page 2, by striking line 47.
7 3. Page 2, line 50, by striking the word
8 "administrator" and inserting the following:
9 department of corrections".
10 4. Page 3, line 4, by striking the words

11 "educational administrator" and inserting the
12 following: "department of corrections".
13 5. Page 3, line 9, by striking the words
14 "educational administrator" and inserting the
15 following: "department of corrections".

RICHARD J. VARN

S-4092

1 Amend the House amendment, S-4062, to Senate File
2 470, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, line 24, by striking the letter "d"
5 and inserting the following: "e".

ALVIN MILLER

S-4093

1 Amend the House amendment, S-4077, to Senate File
2 540, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by inserting after line 8 the
5 following:
6 "____. Page 10, by inserting after line 12 the
7 following:
8 "Sec. ____ . Section 217.11, Code 1989, is amended
9 by adding the following new subsection:
10 NEW SUBSECTION. 10. The director of the
11 department of education or the director's designee."
12 2. Page 2, by inserting after line 37 the
13 following:
14 "____. Page 18, line 4, by insertng after the word
15 "children," the following: "A psychiatric medical
16 institution for children licensed before May 1, 1989,
17 shall be reimbursed at the rate established under the
18 medical assistance program until September 1, 1989. A
19 psychiatric medical institution for children licensed
20 on or after May 1, 1989, may bill the department of
21 human services for actual audited costs up to one
22 hundred twenty dollars per day, but shall be initially
23 reimbursed at the group foster care rate."
24 ____ . Page 21, by inserting after line 2 the
25 following:
26 "Sec. ____ . ADOLESCENT RECIPIENTS OF AID TO
27 DEPENDENT CHILDREN -- INFORMATION. The department of
28 human services shall identify the number of adolescent

29 recipients under the aid to dependent children program
 30 who have not completed high school or have not
 31 received a high school equivalency diploma under
 32 chapter 259A by county and by high school attendance
 33 area. The department shall cooperate with the
 34 department of education in studying the impact upon
 35 high schools of adolescent recipients returning to
 36 school, the high school needs for additional or
 37 alternative programming, and needs for infant and
 38 child care within or near the high schools. The
 39 department shall report its findings to the general
 40 assembly by January 1, 1990, and the report shall
 41 include recommendations regarding measures necessary
 42 to improve the success of adolescent recipients under
 43 the aid to dependent children program in completing
 44 high school or obtaining a high school equivalency
 45 diploma.””

CHARLES BRUNER

S-4094

1 Amend the House amendment, S-4077, to Senate File
 2 540, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by striking lines 12 through 39.

JOE WELSH
 DALE L. TIEDEN

S-4095

1 Amend House File 780 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 6, line 16, by striking the words “law
 4 enforcement academy” and inserting the following:
 5 “narcotics enforcement advisory council”.
 6 2. Page 6, line 23, by striking the word
 7 “academy” and inserting the following: “council”.

JOE WELSH

S-4096

1 Amend House File 780, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 7, by inserting after line 23 the fol-

4 lowing:

5 "Sec. ____ . There is appropriated from the general
6 fund of the state to the department of human services
7 for the fiscal year beginning July 1, 1989, and ending
8 June 30, 1990, the following amounts, or so much
9 thereof as is necessary, to be used for the purposes
10 designated:

11 For start-up costs associated with the development
12 of juvenile emergency shelters and group homes for the
13 placement of juveniles who have a high risk of the
14 commission of a crime or a delinquent act and who need
15 placement out-of-home and need specialized programs
16 such as substance abuse or education programs:

17 \$ 1,000,000"

18 2. Renumber as necessary.

MICHAEL E. GRONSTAL

S-4097

1 Amend Senate File 536 as follows:

2 1. Page 4, by inserting after line 17 the
3 following:

4 " . Range 5A \$57,000 \$71,700".

5 2. Page 5, by inserting after line 16 the
6 following:

7 " ____ . The following is a range 5A position:
8 lottery commissioner."

9 3. Page 6, line 16, by inserting before the word
10 "director" the following: ", and".

11 4. Page 6, line 17, by striking the words ", and
12 lottery commissioner".

13 5. By relettering and renumbering as necessary.

WILLIAM W. DIELEMAN

S-4098

1 Amend Senate File 536 as follows:

2 1. Page 5, by inserting after line 25 the
3 following:

4 " ____ . Range 8A \$60,000 \$85,000".

5 2. Page 6, by inserting after line 11 the
6 following:

7 " ____ . The following is a department director's
8 salary range 8A position: executive secretary of the
9 state board of regents."

10 3. Page 6, lines 15 and 16, by striking the words

11 "executive secretary of the state board of regents."
 12 4. Page 7, line 8, by inserting after the figure
 13 "1989." the following: "An individual salary increase
 14 authorized within the salary ranges provided in
 15 sections 6 and 8 of this Act shall not exceed five and
 16 one-tenth percent for the fiscal year beginning July
 17 1, 1989."
 18 5. Page 7, by inserting after line 10 the
 19 following:
 20 "Sec. ____ . Section 220.6, subsection 2, Code 1989,
 21 is amended to read as follows:
 22 2. The executive director shall advise the
 23 authority on matters relating to housing and housing
 24 finance, carry out all directives from the authority,
 25 and hire and supervise the authority's staff pursuant
 26 to its directions ~~and under the merit system~~
 27 ~~provisions of chapter 19A, except that principal~~
 28 ~~administrative assistants with responsibilities in~~
 29 ~~housing development, accounting, mortgage loan~~
 30 ~~processing, and investment portfolio management. All~~
 31 employees of the authority are exempt from the merit
 32 system."

JOE WELSH

S-4099

1 Amend the amendment, S-3910, to House File 703 as
 2 amended, passed and reprinted by the House as follows:
 3 1. Page 1, by striking lines 4 through 9 and
 4 inserting the following: "line 20."
 5 2. Page 1, by striking line 13, and inserting the
 6 following: "program."

COMMITTEE ON APPROPRIATIONS
 JOE WELSH, Chairperson

S-4100

1 Amend Senate File 5 as follows:
 2 1. Page 4, by striking lines 9 through 13.

RAY TAYLOR

S-4101

1 Amend the House amendment, H-4347, to Senate File
2 470, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by inserting after line 12, the
5 following:
6 "However, a government body shall not be required
7 to provide such test results to any person under this
8 section until the agency's governing body or agency
9 head has received a copy of the test results. A
10 government body shall not be required to provide such
11 test results if the confidentiality of such
12 information is protected pursuant to section 22.7."

PAT DELUHERY
ALVIN V. MILLER

S-4102

1 Amend House File 753, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 10, by striking line 26.
4 2. Page 10, line 27, by striking the words "of
5 the vehicle".
6 3. Page 10, line 28, by inserting after the word
7 "vehicles," the following: "the owner".
8 4. Page 10, line 29, by striking the words
9 "eleven dollars" and inserting the following: "one
10 dollar".
11 5. Page 10, line 31, by striking the words "the
12 certificate of title and use tax fee" and inserting
13 the following: "any other fees".
14 6. Page 11, line 1, by striking the words "waste
15 volume reduction and recycling" and inserting the
16 following: "road use tax".
17 7. Page 11, by inserting after line 8 the
18 following:
19 "____. Notwithstanding section 423.24, there is
20 transferred to the waste volume reduction and
21 recycling fund from revenues collected under chapter
22 423, during each calendar year beginning on or after
23 January 1, 1990, from the use tax imposed on motor
24 vehicles, trailers, and motor vehicle accessories and
25 equipment under section 423.7, the amount deposited
26 into the road use tax fund under subsection 2 during
27 the same calendar year."

28 8. By numbering, renumbering, and correcting
29 internal references.

RICHARD VARN
WILLIAM PALMER
MICHAEL GRONSTAL
PAT DELUHERY

S-4103

1 Amend the House amendment, S-3706, to Senate File
2 14, as amended, passed, and reprinted by the Senate,
3 as follows:

DIVISION S—4103A

4 1. Page 1, by inserting before line 5 the
5 following:
6 "Section 1. Section 147.80, subsection 14, Code
7 1989, is amended to read as follows:
8 14. License to practice cosmetology issued upon
9 the basis of an examination given by the board of
10 cosmetology examiners, license to practice cosmetology
11 under a reciprocal agreement, renewal of a license to
12 practice cosmetology, temporary permit to practice as
13 a cosmetology trainee, original license to conduct a
14 school of cosmetology, renewal of license to conduct a
15 school of cosmetology, original license to operate a
16 beauty salon, renewal of a license to operate a beauty
17 salon, original license and examination to practice
18 electrolysis, renewal of a license to practice
19 electrolysis, original certificate to practice
20 manicuring, renewal of a certificate to practice
21 manicuring, annual inspection of a school of
22 cosmetology, annual inspection of a beauty salon,
23 original cosmetology school instructor's license,
24 renewal of cosmetology school instructor's license."
25 2. Page 1, line 6, by striking the word
26 "subsection" and inserting the following:
27 "subsections".
28 3. Page 1, by striking lines 7 through 10 and
29 inserting the following:
30 "NEW SUBSECTION. 7. Persons certified as
31 manicurists pursuant to this chapter, when manicuring
32 the nails of any person.
33 NEW SUBSECTION. 8. Employees of a licensed
34 barbershop when manicuring fingernails, if permitted
35 under section 158.14, subsection 2."
36 4. Page 1, by inserting after line 39 the

37 following:

38 "Sec. ____ . NEW SECTION. 157.16 MANICURISTS.

39 The department shall issue a certificate to
40 practice manicuring to any person who submits proof of
41 successful completion of a course of at least forty
42 hours of training relating to manicuring in a licensed
43 school of cosmetology or licensed barber school. The
44 board shall adopt rules defining the course of study
45 for a manicurist and the practices which a certified
46 manicurist may perform.

47 The applicant shall pay a certification fee as
48 determined by the board under section 147.80.

49 The rules of the board shall include a provision
50 whereby a certificate to practice manicuring may be

Page 2

DIVISION S—4103A (cont'd.)

1 granted by reciprocity or endorsement to a person who
2 is licensed or certified in another state to practice
3 manicuring.

4 Sec. ____ . Section 158.14, Code 1989, is amended to
5 read as follows:

6 158.14 MANICURISTS.

7 1. A licensed barbershop may employ a person who
8 is not a licensed cosmetologist certified manicurist
9 to manicare the fingernails of any person.

10 2. An uncertified person who was employed by a
11 licensed barbershop to manicare fingernails prior to
12 the effective date of this Act may continue such
13 employment without meeting certification requirements
14 under chapter 157."

DIVISION S—4103B

15 5. Page 1, line 43, by striking the words "fifty
16 thousand" and inserting the following: "fifty twenty-
17 five thousand".

18 6. By numbering and renumbering as necessary.

BOB CARR
RICHARD V. RUNNING

S-4104

1 Amend the amendment, S-3564, to House File 451 as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by inserting after line 11 the
5 following:
6 " ____ . Page 1, line 26, by inserting after the
7 word "state." the following: "However, the auditor of
8 state shall annually contract with certified public
9 accountants under section 11.32 for the audit of at
10 least five merged area schools.""
11 2. By numbering and renumbering as necessary.

BOB CARR
JACK NYSTROM

S-4105

1 Amend House File 758 as follows:
2 1. Page 2, by inserting after line 16 the
3 following:
4 "Sec. ____ . Section 123.180, subsection 2, Code
5 1989, is amended by striking the subsection."
6 2. Page 2, by inserting after line 29 the
7 following:
8 "Sec. ____ . Section 123.180, Code 1989, is amended
9 by adding the following new subsection:
10 NEW SUBSECTION. 7. The holder of a vintner's
11 certificate of compliance must offer wine for sale on
12 an equal basis to all holders of class "A" wine
13 permits. A sale based on an agreement or a condition,
14 express or implied, which restricts the holder of a
15 class "A" wine permit with respect to customers,
16 geographic areas of distribution, or resale price, or
17 restrains the holder of a class "A" wine permit from
18 competing in trade or commerce is prohibited. The
19 division shall adopt rules to implement this
20 subsection."
21 3. By renumbering as necessary.

JOE J. WELSH
RICHARD V. RUNNING
BOB CARR
JIM LIND
JACK NYSTROM
WALLY E. HORN
RICHARD VARN
MICHAEL E. GRONSTAL

HOUSE AMENDMENT TO
SENATE FILE 537

S-4106

1 Amend Senate File 537, 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 100. Section 422.4, subsection 17,
6 paragraph c, Code 1989, is amended to read as follows:
7 c. The annual inflation factor for the 1988
8 calendar year is one hundred percent. The annual
9 inflation factor for the 1990 calendar year is one
10 hundred percent, notwithstanding the computation under
11 paragraph "a".
12 Sec. 101. Section 422.4, subsection 17, Code 1989,
13 is amended by adding the following new paragraph:
14 NEW PARAGRAPH. e. If for a calendar year,
15 paragraph "d" does not require the annual inflation
16 factor to be equal to one hundred percent then the
17 annual inflation factor is as computed under paragraph
18 "a" unless the most recent increase in adjustment for
19 inflation was to the tax brackets rather than the
20 standard deduction in which case the annual inflation
21 factor is one hundred percent. For purposes of this
22 paragraph, the increase in the standard deduction
23 amounts for tax years beginning in the 1990 calendar
24 year is deemed to be an increase in adjustment for
25 inflation.
26 Sec. 102. Section 422.5, subsection 7, Code 1989,
27 is amended to read as follows:
28 7. a. Upon determination of the latest cumulative
29 inflation factor, the director shall multiply each
30 dollar amount of the tax brackets set forth in
31 subsection 1, paragraphs "a" and through "i" of this
32 section, and each dollar amount specified in this
33 section as the maximum amount of annuities received
34 which may be excluded in determining final taxable
35 income, by this cumulative inflation factor, shall
36 round off the resulting product to the nearest one
37 dollar, and shall incorporate the result into the
38 income tax forms and instructions for each tax year.
39 b. If the tax brackets for a tax year would have
40 been adjusted except for the operation of section
41 422.4, subsection 17, paragraph "e", the director
42 shall adjust for inflation the standard deduction
43 amounts specified in section 422.9, subsection 1, as

44 may have been previously adjusted under this
 45 paragraph. In determining the amount of adjustment in
 46 each dollar amount of the standard deductions, the
 47 director shall estimate by October 15 the fiscal
 48 impact on state revenues if the tax brackets would
 49 have been adjusted, except for the operation of
 50 section 422.4, subsection 17, paragraph "e". The

Page 2

1 director shall then determine the amount of adjustment
 2 in each dollar amount of the standard deductions which
 3 will result in the same fiscal impact on state
 4 revenues for the tax year as if the tax brackets had
 5 been adjusted. The same percentage amount of
 6 adjustment shall be made in each dollar amount of the
 7 standard deductions. Any adjustment in the standard
 8 deductions as a result of this paragraph shall
 9 continue for subsequent tax years until otherwise
 10 adjusted as provided in this paragraph or other
 11 provision of law.

12 Sec. 103. Section 422.9, subsection 1, Code 1989,
 13 is amended to read as follows:

14 1. An optional standard deduction, after deduction
 15 of federal income tax, equal to one thousand ~~two~~ four
 16 hundred ~~thirty~~ dollars for a married person who files
 17 separately or a single person or equal to three
 18 thousand ~~thirty~~ four hundred fifty dollars for a
 19 husband and wife who file a joint return, a surviving
 20 spouse, or an unmarried head of household. The
 21 optional standard deduction shall not exceed the
 22 amount remaining after deduction of the federal income
 23 tax.

24 Sec. 2. Section 422.9, subsection 6, unnumbered
 25 paragraph 1, Code 1989, is amended by striking the
 26 paragraph and inserting in lieu thereof the following:

27 The taxpayer may recompute the taxpayer's income
 28 tax liability for the tax year by subtracting from the
 29 taxpayer's taxable income, as computed without regard
 30 to this subsection, sixty percent of the net capital
 31 gain from the sale of the following:

32 a. Net capital gain from the sale of real property
 33 used in a business, in which the taxpayer materially
 34 participated for ten years, as defined in section
 35 469(h) of the Internal Revenue Code, and which has
 36 been held for a minimum of ten years, or from the sale
 37 of a business, as defined in section 422.42, in which
 38 the taxpayer was employed or in which the taxpayer
 39 materially participated for ten years, as defined in

40 section 469(h) of the Internal Revenue Code, and which
41 has been held for a minimum of ten years. The sale of
42 a business means the sale of all or substantially all
43 of the tangible personal property or service of the
44 business.

45 b. Net capital gain from the sale of cattle or
46 horses held by the taxpayer for breeding, draft,
47 dairy, or sporting purposes for a period of twenty-
48 four months or more from the date of acquisition; but
49 only if the taxpayer received more than one-half of
50 the taxpayer's gross income from farming or ranching

Page 3

1 operations during the tax year.

2 c. Net capital gain from the sale of breeding
3 livestock, other than cattle or horses, if the
4 livestock is held by the taxpayer for a period of
5 twelve months or more from the date of acquisition;
6 but only if the taxpayer received more than one-half
7 of the taxpayer's gross income from farming or
8 ranching operations during the tax year.

9 d. Net capital gain from the sale of timber as
10 defined in section 631(a) of the Internal Revenue
11 Code.

12 The net capital gain of paragraphs "a", "b", "c",
13 and "d" together shall not exceed seventeen thousand
14 five hundred dollars for the tax year. Married
15 taxpayers who elect separate filing on a combined
16 return for state tax purposes are treated as one
17 taxpayer and the amount of net capital gain to be used
18 to determine the total amount to be subtracted by them
19 shall not exceed seventeen thousand five hundred
20 dollars in the aggregate. Married taxpayers who file
21 jointly or separately on a combined return shall
22 prorate the seventeen thousand five hundred dollar
23 limitation between them based on the ratio of each
24 spouse's net capital gain to the total net capital
25 gain of both spouses. In the case of married
26 taxpayers filing separate returns, the amount of net
27 capital gain to be used to determine the amount to be
28 subtracted by each spouse shall not exceed eight
29 thousand seven hundred fifty dollars.

30 Sec. 104. Section 422.21, unnumbered paragraph 4,
31 Code 1989, is amended to read as follows:

32 The director shall determine for the 1989 and each
33 subsequent calendar year the annual and cumulative
34 inflation factors for each calendar year to be applied
35 to tax years beginning on or after January 1 of that
36 calendar year. The director shall compute the new

37 dollar amounts as specified to be adjusted in section
 38 422.5 by the latest cumulative inflation factor and
 39 round off the result to the nearest one dollar. The
 40 annual and cumulative inflation factors determined by
 41 the director are not rules as defined in section
 42 17A.2, subsection 7. The director shall determine for
 43 the 1992 and each subsequent calendar year if an
 44 adjustment in the standard deductions, as provided in
 45 section 422.5, subsection 7, paragraph "b", are
 46 required for tax years beginning in that calendar
 47 year. The amount of any adjustment in the standard
 48 deductions determined by the director are not rules as
 49 defined in section 17A.2, subsection 7.
 50 Sec. 3. Section 422.21, unnumbered paragraph 6,

Page 4

1 Code 1989, is amended to read as follows:
 2 The department shall prepare and make available a
 3 special return for filing a tax refund claim resulting
 4 from the net capital gain deduction authorized in
 5 section 422.9, subsection 6. ~~The special returns~~
 6 ~~shall be designed so that the department will be able~~
 7 ~~to compile data that identifies the source and type of~~
 8 ~~the capital gains and losses and the geographical~~
 9 ~~location of the transactions involving the capital~~
 10 ~~gains and losses. By January 15, 1989, the department~~
 11 ~~shall make available to the general assembly the data~~
 12 ~~compiled from the special returns filed during the~~
 13 ~~previous calendar year.~~
 14 Sec. ____ . Sections 1 and 2 of this Act retro-
 15 actively apply to tax years beginning on or after
 16 January 1, 1989.
 17 Sec. ____ . Sections 100 and 103 of this Act apply
 18 to tax years beginning on or after January 1, 1990.
 19 Sec. ____ . Sections 101 and 102 of this Act apply
 20 to tax years beginning on or after January 1, 1991.
 21 2. Title page, by striking lines 1 through 5 and
 22 inserting the following: "An Act relating to the
 23 indexing of tax brackets and the standard deduction
 24 for income tax purposes, increasing the amount of the
 25 standard deduction, relating to state individual
 26 income tax by giving capital gain deduction treatment
 27 to limited amounts of capital gain, and providing
 28 certain applicability dates.

S-4107

1 Amend the House amendment, S-4062, to Senate File
 2 470, 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 "Sec. ____ . Section 476.6, subsection 1, unnumbered
9 paragraph 1, Code 1989, is amended to read as follows:

10 A public utility subject to rate regulation shall
11 not make effective a new or changed rate, charge,
12 schedule or regulation until the rate, charge,
13 schedule, or regulation has been approved by the
14 board, except as provided in subsections 11, ~~and~~ 13,
15 and 17.

16 Sec. ____ . Section 476.6, Code 1989, is amended by
17 adding the following new subsection:

18 NEW SUBSECTION. 17. PUBLIC FIRE PROTECTION. A
19 public utility furnishing water to the public subject
20 to rate regulation under this chapter shall not charge
21 a municipality or benefited fire district a rate for
22 the placing and providing of fire hydrants and related
23 facilities for distribution of water for use in
24 protecting life and property from the hazards of fire
25 within the municipality or benefited fire district.
26 In lieu of the charge, the public utility may include
27 the cost of placement and maintenance of the fire
28 hydrants and related facilities in its cost base in
29 determining a fair and reasonable rate to be charged
30 for water. However, any fee or rental charge being
31 made for fire hydrants and related facilities to a
32 municipality or benefited fire district, whether by
33 contract or otherwise, at the time this Act takes
34 effect, may continue to be collected for a period of
35 one hundred twenty days after the effective date of
36 this Act. Upon termination of this charge, the public
37 utility may include the revenue which would have been
38 derived from the charge in changed rates for water
39 assessed to its residential, governmental, commercial,
40 and industrial customers, provided the public utility
41 files a schedule of the rates with the board. The
42 inclusion shall be effective immediately upon filing
43 of the schedule, but shall be subject to reallocation
44 by the board among the several classes of customers."''

PAT DELUHERY
MAGGIE TINSMAN

HOUSE AMENDMENT TO
SENATE FILE 538

S-4108

- 1 Amend Senate File 538, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 8, by striking lines 11 through 15 and
4 inserting the following: "medical assistance
5 program."
6 2. Page 8, by inserting before line 16 the
7 following:
- 8 "Sec. 3000. NEW SECTION. 91E.1 DEFINITIONS.
9 As used in this chapter:
- 10 1. "Employee" means a person who is not self-
11 employed, is an employee as defined in section 91A.2,
12 and who:
- 13 a. Beginning July 1, 1991, works an average of at
14 least thirty hours per week and at least six hundred
15 hours in a calendar year.
16 b. Beginning July 1, 1992, works an average of at
17 least twenty-five hours per week and at least five
18 hundred hours per calendar year.
19 c. Beginning July 1, 1993, works an average of at
20 least twenty hours per week and at least four hundred
21 hours per calendar year.
- 22 2. "Employer" means an employer as defined in
23 section 91A.2 who:
- 24 a. Beginning July 1, 1991, employs fifty or more
25 employees.
26 b. Beginning July 1, 1992, employs forty or more
27 employees.
28 c. Beginning July 1, 1993, employs twenty or more
29 employees.
- 30 3. "Enrollee" means a person who purchases health
31 care coverage through use of moneys expended by the
32 state health care insurance plan pool.
- 33 4. "Self-insurance health plan" means a plan which
34 provides health benefits to the employees of an
35 employer, which is not a health insurance plan, and in
36 which the employer is liable for actual costs of the
37 health care service provided by the plan plus
38 administrative costs.
- 39 5. "Third-party payor" means an entity, including
40 but not limited to the medical assistance program, the
41 federal Medicare program, or a provider of health
42 insurance or service contracts under chapter 509, 514,
43 or 514A.

44 Sec. 3001. NEW SECTION. 91E.2 HEALTH CARE
45 INSURANCE PLAN ESTABLISHED.

46 1. Effective July 1, 1991, a health care insurance
47 plan is established to provide primary and preventive
48 health care insurance coverage to Iowans who are not
49 otherwise covered by the medical assistance program,
50 the federal Medicare program, a third-party payor

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1 plan, or other similar program or plan.

2 2. The plan shall provide for a schedule of
3 premium contributions, copayments, coinsurance, and
4 deductibles to be paid by enrollees in the health care
5 insurance plan based upon a sliding fee scale which
6 takes into account the enrollee's income, assets, and
7 financial needs.

8 3. Provision of only the benefit package under the
9 health care insurance plan shall not be subject to or
10 considered part of a collective bargaining
11 negotiation.

12 Sec. 3002. NEW SECTION. 91E.3 HEALTH CARE
13 INSURANCE PLAN POOL ESTABLISHED.

14 1. Effective July 1, 1991, a health care insurance
15 pool is established within the state treasury. Moneys
16 within the pool shall be expended to provide health
17 care insurance coverage to those enrollees under the
18 health care insurance plan as established in section
19 91E.2.

20 2. Funds in the pool shall include, but are not
21 limited to, revenues collected from employers who do
22 not provide primary and preventive health care
23 insurance or benefits coverage to their employees.

24 3. Contributions to the pool may come from the
25 financial participation of employers, employees, and
26 other funding sources and shall be used to provide a
27 health care insurance benefit package to cover primary
28 care benefits and hospitalization. Moneys in the pool
29 shall not be expended to provide payment for services
30 for which a person is eligible pursuant to chapter
31 249A, receives coverage through private health care
32 insurance or benefits coverage, or through another
33 responsible party."

34 3. By striking page 8, line 16 through page 10,
35 line 8 and inserting the following:

36 "Sec. 403. HEALTH CARE INSURANCE STUDY. The
37 legislative council shall contract for a comprehensive
38 study of the state's health insurance needs and
39 implementation of mandatory employer-sponsored health
40 insurance coverage. To monitor the study, the

41 legislative council shall appoint a steering committee
42 which may include representatives of health
43 professions, labor, business, insurance, government,
44 and consumers to administer the study. The study
45 shall provide information and recommendations to the
46 general assembly and the legislative council on or
47 before January 1, 1990, including but not limited to
48 all of the following items:
49 1. Characteristics of employed persons who are
50 uninsured and of unemployed persons who are uninsured.

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1 2. The impact upon employers of mandatory
2 employer-subsidized coverage.
3 3. The characteristics of employers who do and do
4 not offer insurance to their employees.
5 4. The cost of covering the unemployed who are not
6 currently eligible for health insurance coverage
7 through any federally financed health insurance
8 program.
9 5. The lack of health insurance provided to
10 farmers and other self-employed persons.
11 6. The impact of the uninsured upon rural
12 hospitals and the university of Iowa hospitals and
13 clinics.
14 7. The potential savings to the state and its
15 political subdivisions as a result of mandatory
16 employer-sponsored health care.
17 8. Provide a schedule to phase in coverage of all
18 employees and every employer in the state.
19 9. At least three options with cost estimates, for
20 a mandatory employer-sponsored primary and preventive
21 health insurance benefit package provided to employees
22 and dependents of employees.
23 10. An additional option with a cost estimate and
24 an analysis of cost-effectiveness for a health in-
25 surance benefit package provided to employees and
26 dependents of employees which includes but is not
27 limited to major medical expenses, inpatient care,
28 outpatient care, maternity and postnatal care,
29 emergency care, and care for conditions related to
30 nervous disorders, mental health, and substance abuse.
31 11. Options regarding delivery of a health care
32 insurance plan which include consideration of existing
33 public and private insurance delivery systems, health
34 maintenance organizations, preferred provider
35 organizations, and other managed care options.
36 12. A provision that the health care insurance
37 plan operation and coverage issuance does not

- 38 discriminate based upon sex or marital status.
39 13. A provision to coordinate coverage under the
40 health care insurance plan with the Iowa comprehensive
41 health insurance association established under chapter
42 514E.
43 14. A provision to enhance the coverage of
44 employees who are underinsured.
45 15. A provision regarding the tax treatment under
46 mandatory employer-sponsored health insurance of
47 persons who are self-employed or part of a
48 partnership.
49 16. A provision to minimize the potential for
50 adverse selection under the health care insurance

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- 1 plan.
2 17. A provision under the health care insurance
3 plan for the eligibility of persons who are early
4 retirees.
5 18. Provisions for health care cost containment,
6 coordination of benefits, health maintenance, quality
7 of care, and prevention under the health care
8 insurance plan.
9 19. A provision to discourage employers who are
10 offering health care insurance benefits to employees
11 from reducing or eliminating benefits when health care
12 insurance coverage becomes mandatory.
13 20. A provision for the state to make available
14 technical assistance to small businesses for the
15 implementation of mandatory employer-sponsored health
16 insurance.
17 21. Recommend a participation rate in the costs of
18 health care insurance as a minimum standard for
19 employer compliance with requirements to provide
20 health care insurance coverage to employees.
21 22. A provision to subsidize the purchase of
22 health insurance coverage for employed and unemployed
23 low-income lowans not covered under a qualifying
24 health care insurance plan.
25 23. Make recommendations regarding methods to
26 finance the health care insurance plan.
27 24. Provide recommendations for a unit of state
28 government to be assigned administrative
29 responsibility for the health care insurance plan.
30 25. The examination of a health insurance tax
31 credit for employers who employ fewer than twenty
32 employees, and for those employers who are self-
33 insured. The employer must provide two-thirds of the
34 premium payment of the health insurance plan for the

35 employees enrolled in the plan. An employee enrolled
36 in the plan must pay one-third of the premium for the
37 individual employee under the health insurance plan.
38 The amount of the tax credit provided shall be one-
39 half of the premium paid by the employer. The tax
40 credit shall be provided to an employer for a maximum
41 of five years. Any tax credit provided in excess of
42 the employer's tax liability during the first taxable
43 year may be credited to the employer's tax liability
44 for the remaining four years or until an excess no
45 longer exists. An employer shall only be eligible for
46 the tax credit provided if the health insurance plan
47 provided has been selected by the insurance division
48 of the department of commerce."
49 4. By striking page 11, line 16 through page 12,
50 line 11 and inserting the following:

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1 "Sec. 601. This division shall be known as the
2 "Head Injuries Division".
3 Sec. 602. NEW SECTION. 135.22 CENTRAL REGISTRY
4 FOR BRAIN INJURIES.
5 1. As used in this section, section 225C.23, and
6 section 601K.83, "brain injury" means clinically
7 evident brain damage or spinal cord injury resulting
8 directly or indirectly from trauma, infection, anoxia,
9 or vascular lesions not primarily related to
10 degenerative or aging processes, which temporarily or
11 permanently impairs a person's physical or cognitive
12 functions.
13 2. The director shall establish and maintain a
14 central registry of persons with brain injuries in
15 order to facilitate the provision of appropriate
16 rehabilitative services to the persons by the
17 department and other state agencies. For a patient
18 who is not admitted to a hospital but is treated in a
19 physician's office, physicians shall report a brain
20 injury to the director within seven days after
21 identification of the person sustaining a brain
22 injury. Hospitals shall report a brain injury to the
23 director no later than forty-five days after the close
24 of a quarter in which the patient was discharged. The
25 report shall contain the name, age and residence of
26 the person, the date, type, and cause of the brain
27 injury, and additional information as the director
28 requires, except that where available, physicians and
29 hospitals shall report the Glasgow coma scale. The
30 director shall consult with health care providers
31 concerning the availability of additional relevant

32 information. The department shall maintain the
33 confidentiality of all information which would
34 identify any person named in a report. However, the
35 identifying information may be released for bona fide
36 research purposes if the confidentiality of the
37 identifying information is maintained by the
38 researchers, or the identifying information may be
39 released by the person with the brain injury or by the
40 person's guardian or, if the person is a minor, by the
41 person's parent or guardian.
42 Sec. 603. NEW SECTION. 601K.83 ADVISORY COUNCIL
43 ON HEAD INJURIES.
44 1. For purposes of this section, unless the
45 context otherwise requires:
46 a. "Head injury" means "brain injury" as defined
47 in section 135.22.
48 b. "Council" means the advisory council on head
49 injuries.
50 2. The advisory council on head injuries is

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1 established. The following persons or their designees
2 shall serve as ex officio, nonvoting members of the
3 council:
4 a. The director of public health.
5 b. The director of human services and any division
6 administrators of the department of human services so
7 assigned by the director.
8 c. The director of the department of education.
9 d. The chief of the special education bureau of
10 the department of education.
11 e. The administrator of the division of vocational
12 rehabilitation of the department of education.
13 f. The director of the department for the blind.
14 g. The commissioner of insurance.
15 3. The council shall be composed of a minimum of
16 nine members appointed by the governor in addition to
17 the ex officio members, and the governor may appoint
18 additional members. Insofar as practicable, the
19 council shall include persons with head injuries,
20 family members of persons with head injuries,
21 representatives of industry, labor, business, and
22 agriculture, representatives of federal, state, and
23 local government, and representatives of religious,
24 charitable, fraternal, civic, educational, medical,
25 legal, veteran, welfare, and other professional groups
26 and organizations. Members shall be appointed
27 representing every geographic and employment area of
28 the state and shall include members of both sexes.

29 4. Members of the council appointed by the
30 governor shall be appointed for terms of two years.
31 Vacancies on the council shall be filled for the
32 remainder of the term of the original appointment.

33 Members whose terms expire may be reappointed.
34 5. The members of the council shall appoint a
35 chairperson and a vice chairperson and other officers
36 as the council deems necessary. The officers shall
37 serve until their successors are appointed and
38 qualified. Members of the council shall receive
39 actual expenses for their services. Members may also
40 be eligible to receive compensation as provided in
41 section 7E.6. The council shall adopt rules pursuant
42 to chapter 17A.

43 6. The council shall:

44 a. Promote meetings and programs for the
45 discussion of methods to reduce the debilitating
46 effects of head injuries, and disseminate information
47 in cooperation with any other department, agency, or
48 entity on the prevention, evaluation, care, treatment,
49 and rehabilitation of persons affected by head
50 injuries.

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1 b. Study and review current prevention,
2 evaluation, care, treatment, and rehabilitation
3 technologies and recommend appropriate preparation,
4 training, retraining, and distribution of manpower and
5 resources in the provision of services to persons with
6 head injuries through private and public residential
7 facilities, day programs, and other specialized
8 services.

9 c. Participate in developing and disseminating
10 criteria and standards which may be required for
11 future funding or licensing of facilities, day
12 programs, and other specialized services for persons
13 with head injuries in this state.

14 d. Make recommendations to the governor for
15 developing and administering a state plan to provide
16 services for persons with head injuries.

17 e. Meet at least quarterly.

18 f. Report on or before February 15 of each year to
19 the governor and the general assembly on council
20 activities, and submit recommendations believed
21 necessary to promote the welfare of persons with head
22 injuries.

23 7. The council is assigned to the division for
24 administrative purposes. The administrator shall be
25 responsible for budgeting, program coordination, and

26 related management functions.

27 8. The council may receive gifts, grants, or
28 donations made for any of the purposes of its programs
29 and disburse and administer them in accordance with
30 their terms and under the direction of the
31 administrator.

32 Sec. 604. Section 225C.22, Code 1989, is
33 repealed."

34 5. By striking page 13, line 21 through page 14,
35 line 21 and inserting the following: "as provided in
36 section 135B.33 and perform the duties required of the
37 Iowa department of public health in section 135B.33."

38 6. Page 15, by striking lines 5 through 19 and
39 inserting the following:

40 "d. For the purposes of this section, "Medicare"
41 means the program of health insurance established
42 under Title XVIII of the federal Social Security Act."

43 7. Page 16, by striking lines 12 through 18 and
44 inserting the following:

45 "Sec. ____ . **NEW MEDICAL FACILITY LICENSURE CATEGORY**
46 **RECOMMENDATIONS.** In cooperation with the advisory
47 committee to the office of rural health, the office of
48 rural health of the Iowa department of public health
49 shall make recommendations to the general assembly on
50 or before February 1, 1990, regarding the development

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1 of a new medical facility licensure category to
2 respond to the changing health care needs of rural
3 Iowa. The office of rural health through the advisory
4 committee shall seek federal waivers and take
5 additional action to permit federal reimbursement
6 under the federal Medicare program and the medical
7 assistance program for services provided in a facility
8 licensed under the new category."

9 8. By striking page 16, line 21 through page 17,
10 line 4 and inserting the following:

11 "NEW UNNUMBERED PARAGRAPH. The tax levy authorized
12 by this section for operation and maintenance of the
13 hospital may be available in whole or in part to any
14 county with or without a county hospital organized
15 under this chapter, to be used to enhance rural health
16 services in the county. However, the tax levied may
17 be expended for enhancement of rural health care
18 services only following a local planning process. The
19 Iowa department of public health shall establish
20 guidelines to be followed by counties in implementing
21 the local planning process which shall require legal

22 notice, public hearings, and a referendum in
23 accordance with sections 347.7 and 347.30 prior to the
24 authorization of any new levy or a change in the use
25 of a levy. Enhancement of rural health services for
26 which the tax levy pursuant to this section may be
27 used includes but is not limited to emergency medical
28 services, health care services shared with other
29 hospitals, rural health clinics, and support for rural
30 health care practitioners and public health services.
31 When alternative use of funds from the tax levy
32 authorized by this section is proposed in a county
33 with a county hospital organized under this chapter,
34 use of the funds shall be agreed upon by the elected
35 board of trustees of the county hospital. When
36 alternative use of funds from the tax levy authorized
37 by this section is proposed in a county without a
38 county hospital organized under this chapter, use of
39 the funds shall be agreed upon by the board of
40 supervisors and any publicly elected hospital board of
41 trustees within the county prior to submission of the
42 question to the voters. Moneys raised from a tax
43 levied in accordance with this paragraph shall be
44 designated and administered by the board of
45 supervisors in a manner consistent with the purposes
46 of the levy.”
47 9. Page 18, by inserting after line 11 the
48 following:
49 “8. Support programs to enhance the agriculture-
50 related safety of children.”

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1 10. Page 19, by striking lines 7 through 18 and
2 inserting the following: “results of the federal
3 study of a resource-based relative value scale for
4 reimbursement of physicians under the federal Medicare
5 program. The department shall make an initial
6 determination of the value scale’s potential for
7 containment of health care costs if implemented for
8 reimbursement of physicians under the medical
9 assistance program. The department shall report
10 regarding the initial determination and provide
11 recommendations concerning implementation of the value
12 scale to the general assembly by January 1, 1990. The
13 report shall include an estimate of resources required
14 to study and implement a resource-based relative value
15 scale for reimbursement of physicians under the
16 medical assistance program.”
17 11. Page 19, line 26, by striking the figure “20”
18 and inserting the following: “21”.

19 12. By striking page 19, line 28 through page 21,
20 line 27 and inserting the following:
21 "Sec. 1001. This division shall be known as the
22 "Health Care Utilization Division".
23 Sec. 1002. HEALTH CARE UTILIZATION INFORMATION.
24 1. The Iowa health data commission shall annually
25 publish all of the following:
26 a. Comparisons between health care providers of
27 charges, length of stay, and numbers of admissions for
28 selected diagnoses or procedures utilized on an
29 inpatient basis.
30 b. Comparisons between health care providers of
31 charges and numbers of encounters for selected
32 diagnoses and procedures utilized on an ambulatory
33 care basis.
34 c. Comparisons across geographic areas of
35 population-based admission or incidence rates for
36 selected diagnoses and procedures.
37 d. Comparisons between health care providers of
38 service effectiveness utilizing state-of-the-art risk-
39 adjusted outcome methodologies.
40 e. Information regarding research published
41 concerning the medical efficacy of certain medical
42 procedures and information regarding numbers of the
43 procedures performed in Iowa.
44 f. A trends analysis which delineates cost
45 increases in different components of the health care
46 industry.
47 g. Recommendations to appropriate organizations
48 and agencies regarding the potential uses of reports
49 published pursuant to this subsection.
50 2. The Iowa health data commission may contract

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1 for a health care utilization study to review,
2 identify, and address issues related to the
3 utilization of health care services in the state by
4 comparing national data with Iowa data.
5 The study shall collect and analyze existing
6 research on the medical efficacy of certain medical
7 procedures and study potential overutilization of the
8 procedures in the state, and prepare a summary of
9 procedures for which there is a significant level of
10 usage in the state and for which substantial evidence
11 from nationwide data suggests there is overutilization
12 on a national level.
13 Sec. ____ . Section 514E.1, subsection 2, Code 1989,
14 is amended to read as follows:
15 2. "Association policy" means an individual or

16 group policy issued by the association that provides
 17 the coverage specified in section 514E.4.

18 Sec. ____ . Section 514E.2, subsection 2, Code 1989,
 19 is amended to read as follows:

20 2. The board of directors of the association shall
 21 consist of ~~not less than four nor more than eight~~
 22 members selected by the members of the association,
 23 ~~subject to approval by the commissioner and a two of~~
 24 whom shall be representatives from corporations
 25 operating pursuant to chapter 514 on the effective
 26 date of this Act or any successors in interest, and
 27 two of whom shall be representatives of insurers
 28 providing coverage pursuant to chapter 509 or 514A;
 29 ~~four public member members~~ selected by the
 30 ~~commissioner governor; the commissioner or the~~
 31 commissioner's designee from the division of
 32 insurance; and two members of the general assembly,
 33 one of whom shall be appointed by the speaker of the
 34 house and one of whom shall be appointed by the senate
 35 majority leader, who shall be ex officio and nonvoting
 36 members. The composition of the board of directors
 37 shall be in compliance with sections 69.16 and 69.16A.
 38 The governor's appointees shall be chosen from a broad
 39 cross-section of the residents of this state.

40 In order to select the initial board of directors
 41 and organize the association, the commissioner shall
 42 give notice to all carriers of the time and place of
 43 the organizational meeting. In determining voting
 44 rights at the organizational meeting, each carrier
 45 member is entitled to one vote in person or by proxy.
 46 If the board of directors is not selected within sixty
 47 days after the organizational meeting, the
 48 commissioner shall appoint the initial board. In
 49 approving or selecting members of the board, the
 50 commissioner shall consider whether all carriers are

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1 ~~fairly represented.~~ Members of the board may be
 2 reimbursed from the moneys of the association for
 3 expenses incurred by them as members, but shall not be
 4 otherwise compensated by the association for their
 5 services.

6 Sec. ____ . Section 514E.2, Code 1989, is amended by
 7 adding the following new subsection 10 and renumbering
 8 the subsequent subsections:

9 NEW SUBSECTION. 10. The association is subject to
 10 oversight by the legislative fiscal committee of the
 11 legislative council. Not later than April 30 of each

12 year, the board of directors shall submit to the
13 legislative fiscal committee a financial report for
14 the preceding year in a form approved by the
15 committee.

16 Sec. ____ . Section 514E.2, subsection 12, Code
17 1989, is amended by striking the subsection.

18 Sec. ____ . Section 514E.7, subsection 2, Code 1989,
19 is amended to read as follows:

20 2. A person is eligible to apply for an
21 association policy only if that person has been
22 rejected for similar health insurance coverage ~~or is~~
23 ~~only offered health insurance coverage at a rate~~
24 ~~exceeding the association rate."~~

25 13. Page 22, by striking lines 3 and 4 and
26 inserting the following: "for not more than the
27 following full-time equivalent positions:".

28 14. Page 22, by inserting after line 6 the
29 following:

30 "Of the full-time equivalent positions authorized
31 in this section, 8.5 FTEs are allocated to community
32 services and 1.0 FTE is allocated to general
33 administration."

34 15. Page 22, by striking lines 15 and 16 and
35 inserting the following: "health services as provided
36 under section 104 of this Act and to provide
37 additional prevention services to women and children
38 to decrease problems of pregnancy outcomes, to reduce
39 the incidence of low birth weights, and to assist
40 children with special health care needs:

41 \$ 667,500

42 Sec. ____ . CHILD HEALTH CARE SERVICES PROVIDED.

43 There is appropriated from the general fund of the
44 state to the Iowa department of public health for the
45 fiscal year beginning July 1, 1989, and ending June
46 30, 1990, the following amount, or so much thereof as
47 is necessary, to be used for the purposes designated:

48 To provide, within funds appropriated in this
49 section, physician services to children eligible for
50 services provided in child health centers under 641

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1 I.A.C. ch. 76:

2 \$ 965,500

3 The physician services shall be subject to managed
4 care and selective contracting provisions and shall be
5 used to provide treatment of the children in a
6 physician's office and shall include coverage of
7 diagnostic procedures and prescription drugs required
8 for the treatment. Services provided under this

9 subsection shall be reimbursed according to Title XIX
10 reimbursement rates.”

11 16. Page 23, line 12, by striking the figure
12 “205,000” and inserting the following: “275,000”.

13 17. Page 24, by inserting after line 16 the
14 following:

15 “___ . Of the funds appropriated in this section,
16 \$15,000 is allocated for a public purpose to support
17 farm family rehabilitation management in continuing
18 the project to develop rehabilitation services and
19 adaptive devices for farmers.

20 ___ . Of the funds appropriated in this section
21 \$15,000 is allocated to the institute of agricultural
22 medicine and occupational health to develop program
23 materials and program activities for farm families.

24 ___ . Of the funds appropriated in this section,
25 \$15,000 is allocated for a public purpose to grant to
26 a nonprofit safety education and disaster services
27 organization located in central Iowa to offer between
28 five and ten courses around the state for farm
29 families and farm workers. The courses shall cover
30 first aid, lifesaving, farm accident prevention
31 behaviors, and proper methods of handling farm
32 chemicals.

33 ___ . Of the funds appropriated in this section,
34 \$25,000 is allocated to support the activities of a
35 nonprofit grass-roots organization emphasizing farm
36 safety for children.”

37 18. Page 24, by striking lines 25 through 27 and
38 inserting the following:

39 “1. Of the funds appropriated in this section,
40 \$15,000 is allocated to support the surveillance and
41 reporting of disabilities suffered by persons engaged
42 in agriculture resulting from diseases or injuries,
43 including identifying the amount and severity of
44 agricultural related injuries and diseases in the
45 state, identifying causal factors associated with
46 agricultural related injuries and diseases, and
47 evaluating the effectiveness of intervention programs
48 designed to reduce injuries and diseases. The
49 department shall cooperate with the department of
50 agriculture and land stewardship, Iowa state

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1 university of science and technology, and the college
2 of medicine at the university of Iowa.”

3 19. Page 25, by striking line 20 and inserting
4 the following:

5 “For health care utilization information as

6 provided under”.

7 20. By striking page 25, line 23, through page
8 27, line 4.

9 21. Page 28, by inserting after line 26 the
10 following:

11 “Sec. ____ . HEALTH CARE INSURANCE STUDY -- APPRO-
12 PRIATION. There is appropriated from the general fund
13 of the state to the legislative council for the fiscal
14 year beginning July 1, 1989, and ending June 30, 1990,
15 the following amount, or so much thereof as is
16 necessary, to be used for the purpose designated:

17 To contract with a consultant to implement a health
18 care insurance study pursuant to section 403 of this
19 Act:

20 \$ 200,000”.

21 22. Title page, line 7, by inserting after the
22 word “access” the following: “and a study of health
23 care insurance”.

24 23. Title page, by striking lines 10 through 12,
25 and inserting the following: “recipients of medical
26 assistance; persons with head injuries; rural health
27 systems delivery and related taxation and rural”.

28 24. Title page, by striking lines 16 and 17, and
29 inserting the following: “assistance program; health
30 care utilization; operation and tax treatment of the
31 Iowa comprehensive health insurance association;
32 making appropriations to certain state”.

33 25. Title page, line 18, by inserting after the
34 word “agencies;” the following: “requiring certain
35 employers to provide health insurance;”.

36 26. By renumbering, relettering, or redesignating
37 and correcting internal references as necessary.

S-4109

1 Amend the amendment, S-4106, to Senate File 537, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting before line 26, the
5 following:

6 “Section 210. Section 422.5, subsection 1, Code
7 1989, is amended by adding the following new
8 paragraph:

9 NEW PARAGRAPH. 1. The tax imposed upon the
10 taxable income of a resident shareholder in a
11 corporation which has in effect for the tax year an
12 election under subchapter S of the Internal Revenue
13 Code and carries on business within and without the

14 state shall be computed by reducing the amount
15 determined pursuant to paragraphs "a" through "i" by
16 the amounts of nonrefundable credits under this
17 division and multiplying this resulting amount by a
18 fraction of which the resident's net income allocated
19 to Iowa, as determined in section 422.8, subsection 5,
20 is the numerator and the resident's total net income
21 computed under section 422.7 is the denominator. This
22 provision also applies to individuals who are
23 residents of Iowa for less than the entire tax year.
24 Sec. 211. Section 422.5, subsection 1, paragraph
25 k, subparagraph (3), unnumbered paragraph 3, Code
26 1989, is amended to read as follows:

27 In the case of a resident, including a resident
28 estate or trust, the state's apportioned share of the
29 state alternative minimum tax is one hundred percent
30 of the state alternative minimum tax computed in this
31 subsection. In the case of a resident or part-year
32 resident shareholder in a corporation which has in
33 effect for the tax year an election under subchapter S
34 of the Internal Revenue Code and carries on business
35 within and without the state, a nonresident, including
36 a nonresident estate or trust, or an individual,
37 estate, or trust that is domiciled in the state for
38 less than the entire tax year, the state's apportioned
39 share of the state alternative minimum tax is the
40 amount of tax computed under this subsection, reduced
41 by the applicable credits in sections 422.10, 422.11,
42 422.11A, and 422.12 and this result multiplied by a
43 fraction with a numerator of the sum of state net
44 income allocated to Iowa as determined in section
45 422.8, subsection 2 or subsection 5, whichever is
46 applicable, plus tax preference items, adjustments,
47 and losses under subparagraph (1) attributable to Iowa
48 and with a denominator of the sum of total net income
49 computed under section 422.7 plus all tax preference
50 items, adjustments, and losses under subparagraph (1).

Page 2

1 In computing this fraction, those items excludable
2 under subparagraph (1) shall not be used in computing
3 the tax preference items. Married taxpayers electing
4 to file separate returns or separately on a combined
5 return must allocate the minimum tax computed in this
6 subsection in the proportion that each spouse's
7 respective preference items, adjustments, and losses
8 under subparagraph (1) bear to the combined preference
9 items, adjustments, and losses under subparagraph (1)
10 of both spouses."

11 2. Page 2, by inserting before line 12, the
12 following:
13 "Sec. 212. Section 422.7, Code 1989, is amended by
14 adding the following new subsection:
15 NEW SUBSECTION. 19. Resident shareholders of a
16 corporation which has an election in effect under
17 subchapter S of the Internal Revenue Code shall add
18 their proportionate share of a deemed distribution of
19 current year income to the extent that the salaries,
20 wages, or other compensation for services performed of
21 all shareholders does not equal ten percent of net
22 income of the corporation computed in accordance with
23 section 422.35 and considering items of income and
24 expense which pass directly to the shareholders under
25 provisions of the Internal Revenue Code before
26 deduction of shareholders' salaries, wages, or other
27 compensation for services performed. In addition
28 there shall be added any cash or the value of any
29 property distributions made to the extent they are
30 made from income upon which Iowa income tax has not
31 been paid as determined under rules of the director.

32 Sec. 213. Section 422.8, Code 1989, is amended by
33 adding the following new subsection:
34 NEW SUBSECTION. 5. A resident's income allocable
35 to Iowa is the income determined under section 422.7
36 reduced by the net income of a corporation which is
37 fairly and equitably attributable without the state
38 under section 422.33. For the purposes of this
39 subsection, "corporation" means a corporation which
40 has in effect for the tax year an election under
41 subchapter S of the Internal Revenue Code and carries
42 on business partly within and partly without the
43 state. This provision also applies to individuals who
44 are residents of Iowa for less than the entire tax
45 year."

46 3. Page 4, line 14, by striking the words "and 2"
47 and inserting the following: ", 2, 210, 211, 212, and
48 213".

49 4. Page 4, line 24, by inserting after the word
50 "purposes," the following: "providing for income

Page 3

1 taxation for certain shareholders of subchapter S
2 corporations,".

3 5. By renumbering as necessary.

S-4110

1 Amend House File 753, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. By striking page 10, line 25, through page 11,
 4 line 12.
 5 2. Page 30, by inserting after line 16 the fol-
 6 lowing:
 7 "Sec. ____ . APPROPRIATION -- WASTE VOLUME REDUCTION
 8 AND RECYCLING FUND. There is appropriated from the
 9 general fund of the state for deposit in the waste
 10 volume reduction and recycling fund, for the fiscal
 11 year beginning July 1, 1989, and ending June 30, 1990,
 12 the following amount, or so much thereof as is neces-
 13 sary, for the purposes prescribed pursuant to section
 14 455D.15:
 15 \$ 1,450,000".
 16 3. By renumbering, relettering, and correcting
 17 internal references as necessary.

JACK RIFE

S-4111

1 Amend House File 753, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking page 10, line 25, through page 11,
 4 line 12.
 5 2. Page 19, by striking lines 31 through 34.
 6 3. Page 30, by inserting after line 13, the
 7 following:
 8 "Sec. ____ . APPROPRIATION -- PETROLEUM OVERCHARGE
 9 FUNDS.
 10 There is appropriated for the fiscal year beginning
 11 July 1, 1989, and ending June 30, 1990, from the
 12 Stripper well fund of the energy conservation trust
 13 created pursuant to section 93.11, the following
 14 amount, to be deposited in the waste volume reduction
 15 and recycling fund established pursuant to section
 16 455D.15, for the uses prescribed under section
 17 455D.15:
 18 \$ 1,400,000".
 19 4. By renumbering as necessary.

JOE WELSH
 WILLIAM D. PALMER
 BERL E. PRIEBE
 RICHARD F. DRAKE

JOY CORNING
KEN SCOTT
JOHN SOORHOLTZ
ALVIN MILLER
WALLY E. HORN
RICHARD V. RUNNING
DON GETTINGS
CALVIN O. HULTMAN
MAGGIE TINSMAN
JOHN KIBBIE
LINN FUHRMAN
JOHN JENSEN
LEONARD BOSWELL
BOB CARR

S-4112

1 Amend House File 685, 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 524.107, Code 1989, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 3. Notwithstanding subsections 1
8 and 2, an organization formed for educational purposes
9 in association with an accredited school which engages
10 in the receipt of deposits of no more than twenty
11 dollars per depositor, may use the words "educational
12 bank", the use of which is otherwise restricted in
13 subsection 2, and such an educational bank is not a
14 bank within the meaning or scope of regulation of this
15 chapter."
16 2. Title page, line 1, by inserting after the
17 word "to" the following: "banking, the use of the
18 term "bank", and".
19 3. By renumbering as necessary.

BILL HUTCHINS

S-4113

1 Amend House File 787, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 10 through 12 and
4 inserting the following:
5 "4. "Pesticide container" means any sealed, rigid

6 plastic, glass, or metal container with a volume of
7 one quart or more used to contain a pesticide.”

ALVIN V. MILLER

S-4114

1 Amend House File 787, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 8, by striking the figure “206.2”
4 and inserting the following: “206.2.”
5 2. Page 1, by striking line 9.

ALVIN V. MILLER

S-4115

1 Amend House File 787, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 9, by inserting after line 23, the
4 following:
5 “In submitting data required by this chapter, the
6 registrant may do the following:
7 a. Mark clearly any portions which in the
8 registrant’s opinion are trade secrets or commercial
9 or financial information.
10 b. Submit such marked material separately from
11 other material required to be submitted under this
12 chapter.
13 The recipients of information submitted pursuant to
14 this chapter shall not make public information which
15 is privileged or confidential because it contains or
16 relates to trade secrets or commercial or financial
17 information, except that, when carrying out the
18 provisions of this section, information relating to
19 unpublished formulas of products acquired by
20 authorization of this section may be revealed to
21 appropriate state or federal agencies.
22 All information required under this chapter which
23 is treated as privileged or confidential under federal
24 law or regulation shall be treated as privileged and
25 confidential by the recipients of the information
26 pursuant to this chapter.”

ALVIN V. MILLER

HOUSE AMENDMENT TO
SENATE FILE 539

S-4116

- 1 Amend Senate File 539, as amended, passed, and re-
2 printed by the Senate, as follows:
3 1. Page 1, by striking lines 25 through 35.
4 2. By striking page 2, line 29, through page 3,
5 line 15.
6 3. By renumbering as necessary.

S-4117

- 1 Amend House File 758, as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 30, the
4 following:
5 "Sec. ____ . Section 123.47, Code 1989, is amended
6 by adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. This section shall be
8 construed to find the consumption of alcoholic liquor,
9 wine, or beer rather than the serving of alcoholic
10 liquor, wine, or beer as the proximate cause of injury
11 inflicted upon another by a minor.
12 Sec. ____ . Section 123.47A, Code 1989, is amended
13 by adding the following new unnumbered paragraph:
14 NEW UNNUMBERED PARAGRAPH. This section shall be
15 construed to find the consumption of alcoholic liquor,
16 wine, or beer rather than the serving of alcoholic
17 liquor, wine, or beer as the proximate cause of injury
18 inflicted upon another by a person age nineteen or
19 twenty."
20 2. By renumbering as necessary.

TOM MANN, JR.

S-4118

- 1 Amend amendment, S-4102, to House File 753, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 16, the
5 following:
6 "____ . Page 11, line 4, by inserting after the
7 word "fund" the following: "to be used for waste
8 volume reduction and recycling projects which projects

9 may be done in cooperation with the efforts of other
 10 local units of government. The use of the moneys by
 11 the county for these projects may demonstrate an
 12 intent to comply with the requirements of section
 13 455B.306 which would enable the county to be eligible
 14 for grants from the waste volume reduction and
 15 recycling fund under section 455D.15. In order for
 16 the county to ensure that the department will be aware
 17 of these projects, the county shall file an annual
 18 report with the department delineating the uses for
 19 which the moneys retained from the environmental
 20 assessment fee were spent.””

PATRICK DELUHERY
 RICHARD VARN
 WILLIAM D. PALMER
 MICHAEL GRONSTAL
 BERL E. PRIEBE

S-4119

1 Amend House File 777 as passed by the House, as
 2 follows:
 3 1. Page 1, line 7, by inserting after the word
 4 “years” the following: “, and the owner of the
 5 property being claimed a homestead declares residency
 6 in Iowa for purposes of income taxation.”.

CHARLES BRUNER
 CALVIN O. HULTMAN
 ELAINE SZYMONIAK

S-4120

1 Amend House File 753 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 27, by inserting after line 1, the
 4 following:
 5 “Sec. ____ . Section 455B.306, Code 1989, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 6. During any stage of the review
 8 process of a proposed plan filed pursuant to this
 9 section, the proposed plan shall not be modified,
 10 unless, following modification, the proposed plan is
 11 resubmitted as a new proposal.”

RICHARD V. RUNNING

S-4121

- 1 Amend House File 753 as amended, passed, and reprinted
2 by the House as follows:
3 1. Page 9, by striking lines 30 through 33.
4 2. Page 14, by striking lines 5 and 6.

JIM LIND

S-4122

- 1 Amend House File 753 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 27, by inserting after line 1, the
4 following:
5 "Sec. ____ . Section 455B.306, Code 1989, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 6. Beginning January 1, 1989,
8 during any stage of the review process of a proposed
9 plan filed pursuant to this section, the proposed plan
10 shall not be modified, unless, following modification,
11 the proposed plan is resubmitted as a new proposal."
12 2. By renumbering as necessary.

RICHARD RUNNING

S-4123

- 1 Amend House File 556, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 1, line 6, by striking the words "~~being~~
4 ~~requested in writing~~" and inserting the following:
5 "being requested in writing after".
6 2. Page 1, by striking line 10, and inserting the
7 following: "dollars plus reasonable attorney fees
8 incurred by the mortgagor or grantee in securing the
9 release of the mortgage.
10 A mortgagor or grantee who has sought relief under
11 the provisions of section 535B.11 is not entitled to
12 attorney fees under this section. A penalty shall not
13 be assessed under this section if penalties have been
14 assessed pursuant to section 535B.11."

RICHARD VARN

S-4124

1 Amend House File 685, as amended, passed, and
2 reprinted by the House, as follows:

DIVISION S—4124A

3 1. Page 13, by inserting after line 7, the
4 following:

5 “___ . Loans to or equity investments in small
6 businesses, made or originated by a small business
7 investment company in which the bank has purchased
8 shares or holds an equity interest, provided that
9 either or both of the following conditions are
10 satisfied:

11 a. The small business investment company has
12 invested at least fifty percent of its investments in
13 Iowa small businesses.

14 b. The small business investment company has
15 invested at least seventy-five percent of its
16 investments in small businesses located in Iowa or one
17 or more contiguous states.”

18 2. Page 13, by inserting after line 20 the
19 following:

20 “___ . Loans for investment in a small business
21 investment corporation, the Iowa business development
22 finance corporation, or a similar entity designed to
23 enhance small business development.”

DIVISION S—4124B

24 3. Page 13, by inserting after line 26, the
25 following:

26 “Sec. ___ . NEW SECTION. 524.1858A ACQUIRED
27 BANK'S BOARD OF DIRECTORS.

28 As a continuing condition of an acquisition,
29 pursuant to this division, of a bank or bank holding
30 company within the state, the acquired bank's board of
31 directors shall have and shall maintain three persons
32 meeting the following minimum requirements as voting
33 members of the board of directors:

34 1. One of the members of the board shall be an
35 agricultural producer eligible for assistance from the
36 agricultural development authority pursuant to section
37 175.13A.

38 2. One of the members of the board shall be a
39 businessperson engaged in a small business as defined
40 in section 220.1, subsection 28.

41 3. One of the members shall be eligible for the

42 Iowa finance authority's residential mortgage interest
43 reduction program."
44 4. Page 13, line 30, by inserting before the word
45 "are" the following: " , requiring that the state in
46 which a regional bank holding company is located would
47 allow a bank holding company located in Iowa to
48 acquire a bank or banks located in that state before a
49 regional bank holding company located in that state
50 may make an acquisition pursuant to section 524.1852".

Page 2

DIVISION S—4124C

1 5. By striking page 19, line 32, through page 21,
2 line 12, and inserting the following:
3 "Sec. — . ADVISORY COUNCIL. An advisory council
4 is established to review the effectiveness and
5 enforceability of the provisions of this Act. The
6 advisory council shall be composed of five persons.
7 Three members shall be appointed by the legislative
8 council and two members shall be appointed by the
9 superintendent of banking. Vacancies shall be filled
10 by the appointing authority which appointed the person
11 who has or is to vacate the council.
12 1. The members appointed by the legislative
13 council shall meet the following requirements:
14 a. One of the members shall be an agricultural
15 producer eligible for assistance from the agricultural
16 development authority pursuant to section 175.13A.
17 b. One of the members shall be a business person
18 engaged in a small business as defined in section
19 220.1, subsection 28.
20 c. One of the members shall be eligible for the
21 Iowa finance authority's residential mortgage interest
22 reduction program pursuant to section 220.81.
23 2. The members appointed by the superintendent of
24 banking shall meet the following requirements:
25 a. One of the members shall be employed by a bank
26 which is not owned in whole or in part by a bank
27 holding company.
28 b. One of the members shall be employed by a bank
29 owned by a bank holding company or employed by a bank
30 holding company.
31 For the purposes of this section, a bank holding
32 company means a bank holding company as defined in
33 section 524.1801.
34 The advisory council shall monitor and review the
35 implementation of this Act and the effectiveness and
36 enforceability of this Act. The advisory council

37 shall from time to time, but not less than quarterly,
 38 recommend to the superintendent of banking the
 39 adoption of appropriate rules to maximize the
 40 effectiveness and enforceability of this Act. The
 41 advisory council shall from time to time, but not less
 42 than quarterly, recommend to the superintendent of
 43 banking any appropriate legislation as may be
 44 necessary to maximize the effectiveness and
 45 enforceability of this Act. The advisory council
 46 shall submit its final recommendations to the
 47 superintendent of banking not later than January 1,
 48 1991. The banking division of the department of
 49 commerce shall provide staff support and assistance to
 50 the advisory council."

Page 3

DIVISION S—4124C (cont'd.)

- 1 6. By renumbering as necessary.

JIM RIORDAN
 PAT DELUHERY
 MICHAEL E. GRONSTAL

S-4125

- 1 Amend House File 685, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 14, by striking lines 12 through 16
 4 and inserting the following:
 5 "3. "Financial institution" means a bank as
 6 defined in chapter 524."

CHARLES BRUNER

S-4126

- 1 Amend the amendment, S-4124, to House File 685 as
 2 amended, passed and reprinted by the House as follows:
 3 1. Page 2, line 14, by striking the word "One" and
 4 inserting the following: "Two".
 5 2. Page 2, line 17, by striking the word "One" and
 6 inserting the following: "Two".

JOHN W. JENSEN

HOUSE AMENDMENT TO
SENATE FILE 220

S-4127

1 Amend Senate File 220, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 1 through 28.
4 2. Page 2, line 25, by inserting after the word
5 "dog" the following: "or horse".
6 3. Page 4, by striking lines 7 through 13.
7 4. Page 6, by striking lines 23 through 25 and
8 inserting the following:
9 "2. A contracted organization selected under
10 subsection 1 shall, to the extent funding and space
11 are available, identify dogs that are potential
12 candidates for adoption. The contracting organization
13 shall evaluate dogs referred to it under the program".
14 5. Page 8, by striking lines 3 through 5, and
15 inserting the following:
16 "8. The state, state personnel, the contracting
17 organization, and its personnel are not liable for any
18 claim resulting from the implementation of this
19 program."
20 6. Page 8, by striking line 13.
21 7. Page 8, by inserting after line 20, the
22 following:
23 "Sec. ____ . Any property used in the operation of a
24 racetrack which is not exempt from property tax on
25 July 1 following the effective date of this Act shall
26 be exempt from property taxation beginning January 1
27 of the assessment year following a referendum at which
28 a majority of the voters voting on the question of the
29 exemption from property tax of such property favor the
30 exemption. A referendum on the question of exemption
31 from property taxation shall be submitted to the
32 qualified electors of the county in which the
33 racetrack is located upon receipt by the county
34 commissioner of elections of a petition requesting the
35 exemption from property taxation of the property used
36 in the operations of the racetrack signed by eligible
37 electors of the county equal in number to five percent
38 of the persons in the county who voted at the last
39 preceding state general election. The county
40 commissioner of elections shall submit the question of
41 the exemption from property tax at a state general
42 election or at a special election which may not be
43 held sooner than thirty days after publication of

44 notice of the ballot proposition.”

45 8. Page 8, by striking lines 21 through 23.

46 9. By renumbering, relettering, or redesignating
47 and correcting internal references as necessary.

S-4128

1 Amend amendment S-4125 to House File 685,
2 as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, line 6, by inserting after the
5 period the following new sentence: “However, if
6 any court or regulatory agency of this state or
7 of the United States determines in any action or
8 proceeding that a provision of sections 12 through
9 18 of this Act is unconstitutional or otherwise
10 unenforceable for any reason against any financial
11 institution so defined, “financial institution”
12 shall mean a bank acquired pursuant to sections
13 524.1851 through 524.1858 or an Iowa bank owned
14 by a bank holding company with its principal place
15 of business within the state which acquires
16 ownership or control of a bank located in another
17 state.”

JOHN A. PETERSON
CHARLES BRUNER

S-4129

1 Amend the amendment, S-4031, to House File 690, 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 47 and inserting the following:
6 “ ____ . Page 1, by striking lines 9 through 11 and
7 inserting the following:
8 “(1) Conditions created by Mental injury caused by
9 the acts of the child’s parent, guardian, or
10 custodian; ~~or,~~”
11 ____ . Page 1, by striking lines 22 through 31 and
12 inserting the following:
13 “**NEW SUBSECTION. 31A.** “Mental injury” means a
14 nonorganic injury to a child’s intellectual or
15 psychological capacity as evidenced by an observable
16 and substantial impairment in the child’s ability to
17 function within the child’s normal range of
18 performance and behavior, considering the child’s

19 cultural origin.”

20 ____ . Page 2, line 17 by striking the word

21 “inspection.”

22 ____ . Page 2, line 21, by inserting after the word

23 “child.” the following: “A department investigator is

24 not precluded from recording visible evidence of

25 abuse.”

26 ____ . Page 2, by striking lines 22 through 32 and

27 inserting the following:

28 “b. “Observation” means direct physical viewing of

29 a child under the age of four by the department

30 investigator where the viewing is limited to the

31 child’s body other than the genitalia and pubes.

32 “Observation” also means direct physical viewing of a

33 child age four or older by the department investigator

34 without touching the child or removing an article of

35 the child’s clothing, and doing so without the consent

36 of the child’s parent, custodian, or guardian. A

37 department investigator is not precluded from

38 recording evidence of abuse obtained as a result of a

39 child’s voluntary removal of an article of clothing

40 without inducement by the investigator. However, if

41 prior consent of the child’s parent or guardian, or an

42 ex parte court order, is obtained, “observation” may

43 include viewing the child’s unclothed body other than

44 the genitalia and pubes.”

45 ____ . Page 4, by striking lines 3 through 5 and

46 inserting the following: “parents. However, if the

47 department”.

48 ____ . Page 4, by striking lines 25 through 28 and

49 inserting the following: “report and ~~examination an~~

50 interview or observation of the child may be

Page 2

1 conducted. If permission to enter the home or
2 ~~facility and to examine~~ interview or observe the child
3 is refused, the juvenile court or”.

4 ____ . Page 4, by striking line 31 and inserting

5 the following: “facility and examine interview or

6 observe the child.”

7 ____ . Page 5, line 10, by striking the words “and

8 observing”.

9 ____ . Page 5, by striking lines 12 through 23 and

10 inserting the following: “children for the purpose of

11 conducting interviews in order to obtain relevant

12 information. The investigator may observe a child

13 named in a report in accordance with the provisions of

14 section 232.68, subsection 3, paragraph “b”. A

15 witness shall be present during an observation of a
16 child. Any child age ten”.

17 ____ . Page 5, line 27, by inserting after the word
18 “to” the following: “acts or omissions in good faith
19 of”.

20 ____ . Page 5, line 29, by inserting after the word
21 “child.” the following: “”Acts or omissions in good
22 faith” means, for purposes of section 232.73, that the
23 acts or omissions from which a claim for damages may
24 arise were objectively reasonable and that the acts or
25 omissions did not violate clearly established
26 statutory rights or other rights of a person of which
27 a reasonable person would know or should have known.”

28 ____ . Page 7, by striking lines 11 through 15 and
29 inserting the following: “disposition of a child
30 abuse report.”

31 ____ . Page 7, line 17, by striking the words
32 “paragraphs “a” and “b”” and inserting the following:
33 “paragraph “a””.

34 ____ . By striking page 7, line 35 through page 8,
35 line 2.

36 ____ . Page 8, by striking line 15 and inserting
37 the following: “~~guardian, or custodian~~ presents an
38 imminent danger to the”.

39 ____ . Page 8, by striking lines 31 and 32 and
40 inserting the following: “proceedings arising under
41 this division. However, if there is disagreement
42 between the department and the county attorney
43 regarding the appropriate action to be taken, the”.

44 ____ . Page 9, by striking lines 19 and 20 and
45 inserting the following: “proceedings arising under
46 this division. However, if there is disagreement
47 between the department and the county attorney
48 regarding the appropriate action to be taken, the”.

49 ____ . By striking page 9, line 34, through page
50 10, line 10.

Page 3

1 ____ . Page 11, line 16, by striking the words “or
2 guardian”.

3 ____ . Page 11, by inserting after line 26, the
4 following:

5 “Sec. ____ . Section 622.84, Code 1989, is amended
6 to read as follows:

7 622.84 SUBPOENAS -- ENFORCING OBEDIENCE.

8 1. When, by the laws of this or any other state or
9 country, testimony may be taken in the form of
10 depositions to be used in any of the courts thereof,
11 the person authorized to take ~~such~~ the depositions may

12 issue subpoenas for witnesses, which must be served by
13 the same officers and returned in the same manner as
14 is required in district court, and obedience ~~thereto~~
15 to the subpoenas may be enforced in the same way and
16 to the same extent, or the person may report the
17 matter to the district court who may enforce obedience
18 as though the action was pending in ~~said the district~~
19 court.

20 2. If a witness is located in any other state or
21 country and refuses to voluntarily submit to the
22 deposition, the court of jurisdiction in this state
23 may, upon the application of any party, petition the
24 court of competent jurisdiction in the foreign
25 jurisdiction where the witness is located to issue
26 subpoenas or make other appropriate orders to compel
27 the witness' attendance at the deposition."

28 ____ . By striking page 12, line 8, through page
29 13, line 13, and inserting the following:

30 "Sec. ____ . Section 910A.14, subsection 1,
31 unnumbered paragraph 2, Code 1989, is amended by
32 striking the paragraph.

33 Sec. ____ . Section 910A.14, subsection 2, Code
34 1989, is amended to read as follows:

35 2. The court may, upon its own motion or upon
36 motion of a party, order that the testimony of a
37 child, as defined in section 702.5, be taken by
38 recorded deposition for use at trial, pursuant to rule
39 of criminal procedure 12(2)(b). In addition to
40 requiring that such testimony be recorded by
41 stenographic means, the court may on motion and
42 hearing, and upon a finding that the child is
43 unavailable as provided in Iowa rules of evidence
44 804(a), order the videotaping of the child's testimony
45 for viewing in the courtroom by the court. The
46 videotaping shall comply with the provisions of rule
47 of criminal procedure 12(2)(b), and shall be
48 admissible as evidence in the trial of the cause."

49 2. Title page, line 5, by inserting after the
50 word "children" the following: "in this state and the

Page 4

1 deposition testimony of witnesses in a foreign
2 jurisdiction".

3 3. By renumbering and relettering as necessary.

TOM MANN, Jr.

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 772

S-4130

1 Amend the Senate amendment, H-4411, to House File
2 772, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 3, by inserting after line 7, the
5 following:

6 "____. Page 8, by inserting after line 10, the
7 following:

8 "Sec. ____ . There is appropriated from the general
9 fund of the state to the department of corrections for
10 the fiscal year beginning July 1, 1989, and ending
11 June 30, 1990, the following amount, or so much
12 thereof as is necessary, to be used for the purposes
13 designated:

14 For capital, major maintenance, and security needs
15 at the state's correctional institutions:

16 \$ 2,000,000."

17 2. Page 3, by striking lines 19 and 20 and
18 inserting the following: "judicial districts:".

19 3. Page 4, line 50, by striking the word "in" and
20 inserting the following: "by the legislative council
21 pursuant to".

22 4. Page 6, line 12, by striking the words "estab-
23 lished in" and inserting the following: "created by
24 the legislative council pursuant to".

25 5. Page 6, line 15, by striking the word "effect"
26 and inserting the following: "effects".

27 6. Page 6, by inserting after line 42, the
28 following:

29 "____. Page 13, by inserting after line 24, the
30 following:

31 "Sec. ____ . It is the intent of the general
32 assembly that a new automated child support system be
33 developed and staffed under the Iowa court information
34 system and funds appropriated in 1989 Iowa Acts,
35 Senate File 363, section 17, shall be used by the
36 judicial department to begin implementation of 1988
37 Iowa Acts, chapter 1218, section 15. The judicial
38 department shall report to the general assembly by
39 January 1, 1990, on the total estimated cost of
40 implementation of this system for the fiscal year
41 beginning July 1, 1989, and ending June 30, 1990, and
42 shall request a supplemental appropriation for the

43 amounts needed to meet these costs. The department of
44 human services and the judicial department shall
45 report each month to the legislative fiscal bureau
46 concerning the progress of the implementation of the
47 system, and shall identify any problems that may
48 adversely affect the implementation.””

49 7. Page 7, by inserting after line 17 the
50 following:

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1 “Sec. ____ . NEW SECTION. 248A.7 RIGHTS NOT
2 RESTORABLE.

3 Notwithstanding any other provision of this
4 chapter, a person who has been convicted of a forcible
5 felony, a felony violation of chapter 204 involving a
6 firearm, or a felony violation of chapter 724 shall
7 not have the person’s rights of citizenship restored
8 to the extent of allowing the person to receive,
9 transport, or possess firearms.”

10 8. By renumbering, relettering, or redesignating
11 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 686

S-4131

1 Amend the Senate amendment, H-4310, to House File
2 686, as amended, passed, and reprinted by the House,
3 as follows:

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

6 “ ____ . Page 1, by inserting before line 3 the
7 following:

8 “Section 100. NEW SECTION. 18B.1 DEFINITIONS.

9 As used in this chapter, unless the context
10 otherwise requires:

11 1. “Business” means a commercial enterprise
12 engaged in interstate or intrastate commerce for the
13 purpose of manufacturing, processing, or assembling
14 products, conducting research and development, or
15 providing services in interstate or intrastate
16 commerce, or the production of agricultural products
17 from farming as defined in section 175.2, but excludes
18 retail, health, or professional services. “Business”
19 includes a financial institution, including an insured

20 bank as defined in section 524.103, a credit union is
21 defined in section 533.1, and an association as
22 defined in section 534.102.

23 2. "Executive director" means the executive
24 director of the board as established in section 18B.8.

25 3. "Fund" means the international network on trade
26 fund created in section 18B.11.

27 4. "INTERNET" means the International network on
28 trade as established in section 18B.3.

29 Sec. 101. NEW SECTION. 18B.2 LEGISLATIVE
30 FINDINGS.

31 The general assembly finds and declares that:

32 1. The economic viability of the state depends
33 upon enhancing Iowa's participation in the emerging
34 global economy.

35 2. Iowa's successful participation in
36 international trade depends upon a commitment between
37 public and private sectors and between public agencies
38 to assist businesses in enhancing the export of Iowa
39 products.

40 3. Successful participation in international trade
41 depends upon public agencies reaching out to provide
42 special assistance to small and medium sized
43 businesses interested in beginning or increasing the
44 export of Iowa products.

45 4. Successful participation in international trade
46 depends upon fostering international business research
47 and training to expand opportunities by Iowa
48 businesses to increase trade in viable foreign
49 markets.

50 5. Iowa businesses are in need of a simple

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1 nonbureaucratic mechanism which serves as a key for
2 Iowa businesses to reach sources designed to assist
3 businesses in accessing foreign markets or increasing
4 foreign trade.

5 Sec. 102. NEW SECTION. 18B.3 ESTABLISHMENT OF
6 INTERNET -- MISSION. The international network on
7 trade is established to conduct long-range research
8 quantifying product and geographical opportunities for
9 Iowa producers in the global marketplace, including
10 determining actions necessary, by public or private
11 sector groups, to successfully exploit those
12 opportunities. Research shall be conducted in concert
13 with private sector members of INTERNET, higher
14 educational institutions, and existing export support
15 resources, including but not limited to the department
16 of economic development, the department of agriculture

17 and land stewardship, and the United States department
18 of commerce. INTERNET at all times shall avoid
19 duplication of resource programs. INTERNET shall
20 recommend a coordinated international trade policy
21 designed to substantially increase Iowa's global trade
22 benefits.

23 Sec. 103. NEW SECTION. 18B.4 AUTHORIZED
24 CORPORATION. The international network on trade shall
25 be incorporated under chapter 504A. INTERNET shall
26 not be regarded as a state agency, except for purposes
27 of chapter 17A. A member of the board of directors is
28 not considered a state employee, except for purposes
29 of chapter 25A. If the executive director is a
30 natural person acting as a salaried employee of the
31 board, the executive director is a state employee
32 except for purposes of the merit system provisions of
33 chapter 19A and chapter 20. A natural person hired by
34 the executive director who is a salaried employee of
35 the board is a state employee. However, if a person,
36 including a staff member of INTERNET, is an
37 independent contractor or an employee of an
38 independent contractor, the person is not a state
39 employee except for purposes of chapter 25A.
40 Sec. 104. NEW SECTION. 18B.5 BOARD OF DIRECTORS.
41 1. INTERNET shall be governed by a board of
42 directors consisting of the following:
43 a. The president of the university of Iowa, or the
44 president's designee.
45 b. The president of Iowa state university of
46 science and technology, or the president's designee.
47 c. The president of the university of northern
48 Iowa, or the president's designee.
49 d. The director of the department of economic
50 development, or the director's designee, who shall

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1 serve as an ex officio nonvoting member.
2 e. The chairperson of the agricultural products
3 advisory council, who shall serve as an ex officio
4 nonvoting member.
5 f. The secretary of agriculture or the secretary's
6 designee, who shall serve as an ex officio nonvoting
7 member.
8 g. Three designees of the Iowa association of
9 independent colleges and universities. The
10 association shall give preference to appointing
11 designees representing schools which are members of
12 INTERNET.
13 h. Three designees of the Iowa association of

14 community college presidents. A designee shall not
15 represent more than one community college.

16 i. Four designees who are elected from the
17 business membership. The designees must be business
18 persons actively engaged in international trade. At
19 least two of the persons must have experience in
20 exporting and at least one of the persons must have
21 experience in international finance. No two members
22 shall represent the same business.

23 j. Two designees who are elected from the business
24 membership. The designees must represent associations
25 operating not for profit to promote or facilitate
26 international trade on a local or regional basis. No
27 two designees shall be employees of the same
28 association.

29 2. The voting members of the board shall serve
30 staggered terms of four years except that of the first
31 terms, seven voting members shall serve terms of two
32 years. A person appointed to fill a vacancy for a
33 director shall serve only for the unexpired portion of
34 the term. A director is eligible for reappointment.
35 A director may be removed from office by a two-thirds
36 vote of the board for misfeasance, malfeasance, or
37 willful neglect of duty or other just cause after
38 notice and hearing, unless the notice and hearing is
39 expressly waived by the director in writing.

40 3. In designating or electing persons to serve on
41 the board, INTERNET members, to the extent
42 practicable, shall designate or elect a board
43 membership which is geographically and gender
44 balanced.

45 4. Eight voting members constitute a quorum and
46 the affirmative vote of a majority of the voting
47 members is necessary for substantive action taken by
48 the board. The majority shall not include a voting
49 member who has a conflict of interest and a statement
50 by a voting member that the voting has a conflict of

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1 interest is conclusive for this purpose. A vacancy in
2 the board's membership does not impair the right of a
3 quorum to exercise all rights and perform all duties
4 of the board.

5 5. The directors actively engaged in international
6 trade, the directors representing international trade
7 associations, and the directors appointed by the Iowa
8 association of independent colleges and universities
9 are entitled to receive forty dollars per diem for
10 each day spent in performance of duties as directors,

11 and shall be reimbursed for all actual and necessary
12 expenses incurred in the performance of duties as
13 directors.

14 6. The board shall elect a chairperson from among
15 its directors.

16 7. Meetings of the board shall be held at the call
17 of the chairperson or at the written request of four
18 directors to the chairperson.

19 Sec. 105. NEW SECTION. 18B.6 GENERAL POWERS.

20 The board established pursuant to section 18.5
21 shall have all the general powers needed to carry out
22 its mission and duties, including but not limited to
23 the following powers:

24 1. To sue and be sued in its own name.

25 2. To adopt a corporate seal.

26 3. To adopt bylaws for its management consistent
27 with the provisions of this chapter.

28 4. To make and execute agreements, contracts and
29 other instruments, with any public or private entity,
30 including but not limited to a federal or governmental
31 agency, foreign nation, or another state in the union.

32 All political subdivisions, other public agencies and
33 state agencies may enter into contracts and otherwise
34 cooperate with the board.

35 5. To procure insurance against any loss in
36 connection with its operations and property interests.

37 6. To fix and collect fees and charges for its
38 services.

39 7. To accept contributions, including but not
40 limited to appropriations, gifts, grants, loans,
41 services, or other aid or assistance from public or
42 private entities. A record of all contributions,
43 stating the type, amount, and donor, shall be clearly
44 set forth in the board's annual report along with the
45 record of other receipts.

46 Sec. 106. NEW SECTION. 18B.7 INTERNET
47 MEMBERSHIP.

48 1. INTERNET shall include academic and business
49 members.

50 a. The academic members shall include the

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1 following:

2 (1) The university of Iowa.

3 (2) Iowa state university of science and
4 technology.

5 (3) The university of northern Iowa.

6 (4) Each area community college within a merged
7 area as established in chapter 280A.

8 (5) A private college or university which agrees
9 to participate as an INTERNET member and is a member
10 of the Iowa association of independent colleges and
11 universities.

12 b. The business members shall include any business
13 actively involved in international trade, including
14 export trade, export assistance, or international
15 finance.

16 2. a. The academic members shall cooperate with
17 the board in accomplishing the mission and duties of
18 the board as provided in this chapter. Each member
19 shall execute a membership agreement with the board.
20 A member under the terms of the agreement shall
21 provide an annual contribution as provided by the
22 board. The contribution shall relate to supporting
23 programs administered by the board, and may include
24 financial or in-kind assistance such as office space,
25 personnel time, materials and supplies, or a
26 combination of financial or in-kind assistance. A
27 minimum contribution is required to become an academic
28 member.

29 b. The business members shall cooperate with the
30 board in accomplishing the mission and duties of the
31 board as provided in a membership agreement executed
32 between the board and the members. A member under the
33 terms of the agreement shall make an annual
34 contribution as provided by the board. The
35 contribution shall relate to supporting programs
36 administered by the board and may include financial or
37 in-kind assistance such as office space, personnel
38 time, materials and supplies or a combination of
39 financial or in-kind assistance. A minimum
40 contribution is required to become a business member.

41 3. A member, other than the university of Iowa,
42 Iowa state university of science and technology, the
43 university of northern Iowa, or a community college,
44 may withdraw from membership and all commitments
45 entered into between the board and the member after
46 one year following written notice by the member
47 delivered to the executive director. The terms of the
48 membership agreement executed between the board and
49 the member shall terminate one year following written
50 notice of the member's withdrawal, unless the board

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1 and the member otherwise agree in writing.

2 Sec. 107. NEW SECTION. 18B.8 EXECUTIVE DIRECTOR.

3 1. Under the general direction of the board, the
4 executive director shall do all of the following:

- 5 a. Manage and operate the INTERNET, including
6 hiring and directing INTERNET staff whether salaried
7 employees of the board or independent contractors.
- 8 b. Establish subcommittees of business and
9 academic specialists as needed. The specialists shall
10 be consulted as program areas are developed and
11 individual projects are selected for funding.
- 12 c. Keep the membership of INTERNET informed of
13 items of importance relating to programs or projects
14 of INTERNET, INTERNET finances, and actions by the
15 board.
- 16 d. Negotiate membership agreements, including
17 terms relating to the contribution of a member,
18 according to section 18B.7.
- 19 e. Advise the board on matters relating to the
20 mission of INTERNET, including programs and projects
21 under consideration or implementation by the board and
22 finances of INTERNET.
- 23 f. Recommend bylaws, and rules to be adopted by
24 the board.
- 25 g. Control INTERNET finances, including
26 appropriations, and contributions, and approve
27 expenses from the fund in a manner consistent with
28 rules and procedures of the treasurer of state.
- 29 h. Report to the board the condition of INTERNET
30 including programs, projects, and INTERNET finances,
31 at least once each three months. The executive
32 director shall prepare for board approval an annual
33 report provided in section 18B.10.
- 34 2. The executive director shall not, directly or
35 indirectly exert influence to induce any other officer
36 or employee of the state to adopt a political view, or
37 to favor a political candidate for office.
- 38 3. The executive director shall serve as secretary
39 to the board, and shall be custodian of all documents,
40 including books and papers filed with the authority of
41 the minutes of board meetings. The executive director
42 shall make copies of documents and provide
43 certificates under seal that the copies are true
44 copies and that all persons dealing with INTERNET may
45 rely upon the certificates.
- 46 Sec. 108. DUTIES. 18B.9 BOARD DUTIES.
- 47 The board shall carry out the mission of INTERNET
48 and shall have discretionary authority to perform the
49 following duties:
- 50 1. To appoint and direct an executive director and

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- 1 employ INTERNET staff, including the executive
- 2 director, as salaried employees of INTERNET or as
- 3 independent contractors.
- 4 2. To approve the budget of INTERNET for each
- 5 fiscal year.
- 6 3. To adopt goals and objectives of INTERNET,
- 7 including recommendations to the general assembly and
- 8 governor of a coordinated trade policy designed to
- 9 substantially increase Iowa's global trade benefits.
- 10 4. To target for assistance businesses or products
- 11 which indicate a high potential for expansion in
- 12 foreign markets.
- 13 5. To provide special assistance to small and
- 14 medium sized businesses interested in beginning or
- 15 increasing the export of Iowa products.
- 16 6. To conduct special research projects, including
- 17 product research in foreign markets.
- 18 7. To inventory and catalog international
- 19 resources of information, including experts and
- 20 programs, available to provide assistance to
- 21 businesses interested in foreign trade.
- 22 8. To establish a clearinghouse of information to
- 23 refer to appropriate resources businesses interested
- 24 in accessing foreign markets or expanding foreign
- 25 trade.
- 26 9. To establish criteria and award grants or loans
- 27 based only on a competitive basis for programs
- 28 relating to international training or research. In
- 29 making financial awards, preference shall be given to
- 30 members, as provided in section 18B.7.
- 31 10. To facilitate contact between businesses in
- 32 search of assistance in entering or expanding foreign
- 33 trade and persons able to assist the business.
- 34 11. To cooperate with Iowa universities and
- 35 colleges, governmental agencies, and businesses where
- 36 collaboration would add value to international trade
- 37 programs or increase opportunities in foreign markets
- 38 for increased trade.
- 39 12. To recruit business and colleges to become
- 40 INTERNET members as provided in section 18B.7.
- 41 13. In order to leverage state funds appropriated
- 42 to INTERNET, to actively seek financial support from
- 43 nonstate sources, including from the federal
- 44 government, and from businesses. The board may
- 45 require a match from nonstate sources for programs,
- 46 seek generic business support for INTERNET, seek
- 47 support from business in one or more industries for

48 programs which may benefit those businesses, or charge
49 fees for services provided under the authority of
50 INTERNET. The board shall use INTERNET resources to

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1 the maximum extent possible in order to seek matching
2 funds, gifts, grants or additional assets, including
3 funding sources.
4 14. To conduct international research according to
5 requests from INTERNET members.
6 15. To regularly disseminate to INTERNET members
7 information and issues relating to international
8 trade, including data and findings from market
9 studies.
10 16. To monitor changing world economic and
11 political conditions.
12 17. To report annually about INTERNET to the
13 governor and the general assembly as provided in
14 section 18B.10.
15 18. To oversee the progress of programs and
16 projects administered by INTERNET and monitor the
17 status of INTERNET assets, including finances.
18 19. To approve membership agreements, including
19 terms relating to contributions of members as provided
20 in section 18B.7.
21 20. To approve any contract or agreement
22 committing INTERNET to the substantial expenditure of
23 INTERNET assets.
24 21. To adopt bylaws for INTERNET, approve other
25 procedures relating to the day-to-day administration
26 of INTERNET, and adopt rules consistent with chapter
27 17A.
28 Sec. 109. NEW SECTION. 18B.10 ANNUAL REPORT.
29 1. The board shall approve and submit to the
30 governor and to the secretary of the senate and to the
31 chief clerk of the house of representatives, not later
32 than January 15 of each year, a report setting forth
33 information relating to INTERNET, including all of the
34 following:
35 a. Matters relating to operations and
36 accomplishments.
37 b. A summary of receipts and expenditures during
38 the fiscal year, in accordance with the
39 classifications it establishes for its operating
40 accounts.
41 c. A summary of assets and liabilities at the end
42 of the fiscal year and the status of special accounts.
43 d. A statement of proposed and projected
44 activities.

45 e. Recommendations to the general assembly and
46 governor, including recommendations related to a
47 coordinated trade policy designed to substantially
48 increase Iowa's global trade benefits.
49 2. The annual report shall identify performance
50 goals of INTERNET, and indicate the extent of progress

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1 during the reporting period, in attaining the goals.
2 Sec. 110. NEW SECTION. 18B.11 INTERNATIONAL
3 NETWORK ON TRADE FUND.
4 There is created within the state treasury, an
5 international network on trade fund. The fund is
6 composed of money appropriated by the general assembly
7 for that purpose, and moneys available to and obtained
8 or accepted by the board under this chapter, including
9 money from the United States, other states in the
10 union, foreign nations, state agencies, political
11 subdivisions, and private sources, and moneys from
12 fees charged under this chapter.
13 The fund shall be a revolving fund from which
14 moneys may be used for purposes described in this
15 chapter, including loans, grants, matching financing,
16 and administrative costs. All interest earned on
17 proceeds in the fund shall remain in the fund.
18 The auditor of state shall conduct regular audits
19 of the fund and shall make a certified report relating
20 to the condition of the fund to the treasurer of state
21 and to the executive director.
22 The board and executive director shall administer
23 the fund as in accordance with procedures of the
24 treasurer of state. In administering the fund, the
25 board may do all of the following:
26 1. Contract, sue and be sued, and adopt rules
27 necessary to carry out the provisions of this section,
28 but the board shall not in any manner, directly or
29 indirectly pledge the credit of the state.
30 2. Authorize payment from the fund, from fees and
31 from any income received by investment of money in the
32 fund, for cost, commissions, attorney fees, and other
33 reasonable expenses related to and necessary for
34 making and protecting direct loans under this section,
35 and for the recovery of moneys loaned or the
36 management of property acquired in connection with the
37 loans.
38 Section 8.33 shall not apply to moneys in the
39 fund.""
40 2. Page 1, by inserting before line 3, the
41 following:

42 " ____ . Page 1, by striking lines 3 and 4, and
43 inserting the following:
44 "Sec. ____ . NEW SECTION. 28.151 WALLACE
45 TECHNOLOGY TRANSFER FOUNDATION OF IOWA ESTABLISHED
--
46 MISSION.
47 ____ . Page 1, lines 7 and 8, by striking the words
48 "An Iowa science and technology foundation" and
49 inserting the following: "A Wallace technology
50 transfer foundation of Iowa"."

Page 10

1 3. Page 1, by inserting before line 15, the
2 following:
3 " ____ . Page 2, line 10, by striking the words
4 "Iowa science and technology foundation" and inserting
5 the following: "Wallace technology transfer
6 foundation of Iowa"."
7 4. By striking page 1, line 15, through page 2,
8 line 9, and inserting the following:
9 " ____ . Page 2, by inserting after line 28 the
10 following:
11 "(____) A president of a community college, or the
12 president's designee, appointed by the Iowa
13 association of community college presidents.
14 (____) A designee of the Iowa association of
15 independent colleges and universities.
16 (____) The secretary of agriculture or the
17 secretary's designee."
18 ____ . By striking page 2, line 29, through page 3,
19 line 4, and inserting the following:
20 "(____) Five persons appointed by the governor,
21 subject to senate confirmation, three of whom are
22 persons involved directly in research and development
23 of technology-based industries or Iowans with
24 experience in technology development and
25 commercialization, two of whom are directly involved
26 in agricultural-related enterprises. The five persons
27 shall be appointed from a list of candidates provided
28 by the Iowa business council which shall include
29 persons in small business manufacturing and persons in
30 large business manufacturing.
31 " ____ . Page 3, line 24, by inserting after the
32 word "its" the following: "private sector"."
33 5. Page 2, by inserting before line 42 the
34 following:
35 " ____ . Page 7, by striking lines 15 through 20 and
36 inserting the following:
37 "2. State funds awarded by the"."

38 6. Page 2, by striking lines 42 through 44.
 39 7. Page 4, line 4, by inserting after the word
 40 "acquisition" the following: "or lease-purchase".
 41 8. Page 4, by striking lines 8 and 9 and
 42 inserting the following: "limited in a fiscal year to
 43 a total of one million dollars or an amount greater
 44 than one million dollars if authorized by a resolution
 45 of the general assembly and approved by the governor."
 46 9. Page 4, by striking lines 10 and 11.
 47 10. Page 4, by inserting before line 12 the
 48 following:
 49 "____. Page 8, lines 23 and 24, by striking the
 50 words "science and technology foundation" and

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1 inserting the following: "Wallace technology transfer
 2 foundation of Iowa".
 3 _____. By striking page 8, line 35 through page 9,
 4 line 8.
 5 _____. Page 9, by inserting before line 9 the
 6 following:
 7 "____. A number of members equal to the number of
 8 members of the Iowa congressional delegation appointed
 9 by the Iowa business council.""
 10 11. Page 4, by inserting before line 20 the
 11 following:
 12 "____. Page 9, by inserting before line 31 the
 13 following:
 14 "Sec. 111. ORGANIZING BOARD OF INTERNET. The
 15 members of the board designated pursuant to section
 16 18B.5, subsection 1, paragraphs "a" through "h", in
 17 conjunction with the members of the world trade
 18 institute study committee established pursuant to 1987
 19 Acts, chapter 141, section 8, shall have all powers
 20 and duties necessary to organize the board, including
 21 the adoption of articles of incorporation, bylaws, and
 22 rules. The organizing board shall be chaired by the
 23 chairperson of the world trade institute study
 24 committee. The organizing board shall be staffed by
 25 the department of economic development. The
 26 organizing board may contract for additional legal or
 27 other assistance as deemed necessary by the organizing
 28 board. The interdisciplinary working group on
 29 international business may cooperate by assisting the
 30 organizing board. The permanent board shall be
 31 organized not later than January 1, 1990. Procedures
 32 set forth in section 18B.5 shall be applicable to the
 33 organizing board. After January 1, 1990, the
 34 directors of the permanent board designated pursuant

35 to section 18B.5, paragraphs "a" through "h", shall
 36 have all the powers necessary to carry out the mission
 37 of INTERNET, until the directors representing business
 38 members pursuant to section 18B.5, paragraphs "i" and
 39 "j" have been elected. The election shall be held as
 40 soon after January 1, 1990, as is reasonably
 41 practicable, but shall be held not later than June 30,
 42 1990.

43 Sec. 112. WORLD TRADE INSTITUTE STUDY COMMITTEE.

44 1. All equipment purchased and materials produced
 45 under contracts between persons and the world trade
 46 institute study committee, established pursuant to
 47 1987 Acts, chapter 141, section 8, shall be
 48 transferred to the custody of INTERNET.

49 2. The board of INTERNET shall consider the
 50 materials and recommendations produced by the world

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1 trade institute study committee. The board shall
 2 study methods to incorporate programs under study by
 3 the committee into permanent programs administered by
 4 the board.

5 Sec. 113. Sections 100 through 112 of this Act,
 6 being deemed of immediate importance, take effect upon
 7 enactment.""

8 12. Page 4, by striking lines 20 through 22, and
 9 inserting the following:

10 "___ . Title page, by striking lines 1 and 2, and
 11 inserting the following: "An Act establishing an
 12 international network on trade, establishing the
 13 Wallace technology transfer foundation of Iowa,
 14 authorizing the issuance of bonds, and providing an
 15 effective date.""

16 13. By renumbering as necessary.

S-4132

1 Amend House File 685, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 13, by inserting after line 26, the
 4 following:

5 "Sec. ___ . NEW SECTION. 524.1858B MOST FAVORED
 6 PRACTICES.

7 As a continuing condition of an acquisition of an
 8 Iowa bank or bank holding company pursuant to this
 9 division, the regional bank holding company shall
 10 require that its Iowa owned or controlled bank or

11 banks offer the most favorable services, rates, and
12 incentives offered by any other bank owned or
13 controlled by the regional bank holding company, to
14 the extent that such services, rates, or incentives
15 are not otherwise prohibited by Iowa law.”
16 2. By renumbering as necessary.

BERL E. PRIEBE

S-4133

1 Amend House File 794, 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 260.1, Code 1989, is amended
6 by striking the section and inserting in lieu thereof
7 the following:
8 260.1 DEFINITIONS.
9 1. “Administrator” means a person who is licensed
10 to coordinate, supervise, or direct an educational
11 program or the activities of other practitioners.
12 2. “Board” means the board of educational
13 examiners.
14 3. “Department” means the state department of
15 education.
16 4. “License” means the authority that is given to
17 allow a person to legally serve as a practitioner, a
18 school, an institution, or a course of study to
19 legally offer professional development programs, other
20 than those programs offered by practitioner
21 preparation schools, institutions, or courses of
22 study.
23 5. “Practitioner” means an administrator, teacher,
24 or other licensed professional who does not hold or
25 receive a license from a professional licensing board
26 other than the board of educational examiners and who
27 provides educational assistance to students.
28 6. “Practitioner preparation program” means a
29 program approved by the state board of education which
30 prepares a person to obtain a license as a
31 practitioner.
32 7. “Principal” means a licensed member of a
33 school’s instructional staff who serves as an
34 instructional leader, coordinates the process and
35 substance of educational and instructional programs,
36 coordinates the budget of the school, provides
37 formative evaluation for all practitioners and other
38 persons in the school, recommends or has effective

39 authority to appoint, assign, promote, or transfer
40 personnel in a school building, implements the local
41 school board's policy in a manner consistent with
42 professional practice and ethics, and assists in the
43 development and supervision of a school's student
44 activities program.

45 8. "Professional development program" means a
46 course or program which is offered by a person or
47 agency for the purpose of providing continuing
48 education for the renewal or upgrading of a
49 practitioner's license.

50 9. "School" means a school under section 280.2, a

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1 merged area school, an area education agency, and a
2 school operated by a state agency for special
3 purposes.

4 10. "Student" means a person who is enrolled in a
5 course of study at a school or practitioner
6 preparation program, or who is receiving direct or
7 indirect assistance from a practitioner.

8 11. "Superintendent" means an administrator who
9 promotes, demotes, transfers, assigns, or evaluates
10 practitioners or other personnel, and carries out the
11 policies of a governing board in a manner consistent
12 with professional practice and ethics.

13 12. "Teacher" means a licensed member of a
14 school's instructional staff who diagnoses,
15 prescribes, evaluates, and directs student learning in
16 a manner which is consistent with professional
17 practice and school objectives, shares responsibility
18 for the development of an instructional program and
19 any coordinating activities, evaluates or assesses
20 student progress before and after instruction, and who
21 uses the student evaluation or assessment information
22 to promote additional student learning.

23 Sec. 2. Section 260.2, Code 1989, is amended by
24 striking the section and inserting in lieu thereof the
25 following:

26 260.2 BOARD OF EXAMINERS CREATED.

27 The board of educational examiners is created to
28 exercise the exclusive authority to:

29 1. License practitioners, who do not hold or
30 receive a license from another professional licensing
31 board, and professional development programs, except
32 for programs developed and offered by practitioner
33 preparation institutions or area education agencies
34 and approved by the state board of education.
35 Licensing authority includes the authority to

36 establish criteria for the licenses, including but not
37 limited to, issuance and renewal requirements,
38 creation of application and renewal forms, creation of
39 licenses that authorize different instructional
40 functions or specialties, development of a code of
41 professional rights and responsibilities, practice,
42 and ethics, and the authority to develop any other
43 classifications, distinctions, and procedures which
44 may be necessary to exercise licensing duties. A code
45 of professional rights and responsibilities, practice,
46 and ethics shall address but not be limited to the
47 habitual failure of a practitioner to fulfill
48 contractual obligations under section 279.13.
49 2. Establish, collect, and refund fees for a
50 license.

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1 3. Enter into reciprocity agreements with other
2 equivalent state boards or a national certification
3 board to provide for licensing of applicants from
4 other states or nations.
5 4. Enforce rules adopted by the board through
6 revocation or suspension of a license, or by other
7 disciplinary action against a practitioner or
8 professional development program licensed by the board
9 of educational examiners.
10 5. Apply for and receive federal or other funds on
11 behalf of the state for purposes related to its
12 duties.
13 6. Evaluate and conduct studies of board
14 standards.
15 7. Hire an executive director, legal counsel, and
16 other personnel and control the personnel
17 administration of persons employed by the board.
18 8. Hear appeals regarding application, renewal,
19 suspension, or revocation of a license. Board action
20 is final agency action for purposes of chapter 17A.
21 9. Establish standards for the determination of
22 whether an applicant is qualified to perform the
23 duties required for a given license.
24 10. Issue statements of professional recognition
25 to school service personnel who are licensed by
26 another professional licensing board.
27 11. Make recommendations to the state board of
28 education concerning standards for the approval of
29 professional development programs.
30 12. Establish, under chapter 17A, rules necessary
31 to carry out board duties, and establish a budget
32 request.

33 13. By January 1, 1991, adopt rules and establish
34 classifications for temporary substitute teaching, for
35 persons who hold a bachelor's degree from an
36 accredited college or university, but who do not meet
37 other requirements for licensure. Rules adopted shall
38 provide that temporary substitute teaching licenses
39 shall be valid for two years, or until the holder has
40 completed an alternative training program, whichever
41 occurs first. Temporary substitute teaching license
42 holders, whose licenses expire because of completion
43 of an alternative training program, shall be eligible
44 for an appropriate standard license upon application
45 and submission of proof of satisfactory completion of
46 the alternative training program.

47 Sec. 3. Section 260.3, Code 1989, is amended by
48 striking the section and inserting in lieu thereof the
49 following:

50 260.3 MEMBERSHIP.

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1 The board of educational examiners consists of
2 eleven members. Two must be members of the general
3 public and the remaining nine must be licensed
4 practitioners. One of the public members shall also
5 be the director of the department of education, or the
6 director's designee. The nine practitioners shall be
7 selected from the following areas and specialties of
8 the teaching profession:

- 9 1. Elementary teachers.
- 10 2. Secondary teachers.
- 11 3. Special education or other similar teachers.
- 12 4. Counselors or other special purpose
13 practitioners.

14 5. Merged area school faculty members.

15 6. Administrators.

16 7. School service personnel.

17 A majority of the licensed practitioner members
18 shall be nonadministrative practitioners. Four of the
19 members shall be administrators. Membership of the
20 board shall comply with the requirements of sections
21 69.16 and 69.16A. A quorum of the board shall consist
22 of six members. The director of the department of
23 education shall serve as the chairperson of the board.
24 Members, except for the director of the department of
25 education, shall be appointed by the governor and the
26 appointments are subject to confirmation by the
27 senate.

28 Sec. 4. NEW SECTION. 260.4. TERMS OF OFFICE.

29 Members, except for the director of the department

30 of education, shall be appointed to serve staggered
31 terms of four years. A member shall not serve more
32 than two consecutive terms, except for the director of
33 the department of education, who shall serve until the
34 director's term of office expires. A member of the
35 board, except for the two public members, shall hold a
36 valid practitioner's license during the member's term
37 of office. A vacancy exists when any of the following
38 occur:

- 39 1. A nonpublic member's license expires, is
40 suspended, or is revoked.
 - 41 2. A nonpublic member retires or terminates
42 employment as a practitioner.
 - 43 3. A member dies, resigns, is removed from office,
44 or is otherwise physically unable to perform the
45 duties of office.
 - 46 4. A member's term of office expires.
- 47 Terms of office for regular appointments begin on
48 July 1, and for vacancies on the date of appointment.
49 Members may be removed for cause by a state court with
50 competent jurisdiction after notice and opportunity

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1 for hearing. The board may remove a member for three
2 consecutive absences or for cause.

3 Sec. 5. Section 260.5, Code 1989, is amended by
4 striking the section and inserting in lieu thereof the
5 following:

6 260.5 COMPENSATION.

7 Members shall be reimbursed for actual and
8 necessary expenses incurred while engaged in their
9 official duties and may be entitled to per diem
10 compensation as authorized under section 7E.6. For
11 duties performed during an ordinary school day by a
12 member who is employed by a school corporation or
13 state university, the member shall also receive
14 regular compensation from the school or university.
15 However, the member shall reimburse the school or
16 university in the amount of the per diem compensation
17 received.

18 Sec. 6. Section 260.6, Code 1989, is amended by
19 striking the section and inserting in lieu thereof the
20 following:

21 260.6 QUALIFICATIONS FOR PRACTITIONERS.

22 The board shall determine whether an applicant is
23 qualified to perform the duties for which a license is
24 sought. Applicants shall be disqualified for any of
25 the following reasons:

- 26 1. The applicant is less than twenty-one years of

27 age. However, a student enrolled in a practitioner
28 preparation program who meets board requirements for a
29 temporary, limited-purpose license who is seeking to
30 teach as part of a practicum or internship may be less
31 than twenty-one years of age.

32 2. The applicant has been convicted of child abuse
33 or sexual abuse of a child.

34 3. The applicant has been convicted of a felony.

35 4. The applicant's application is fraudulent.

36 5. The applicant's license or certification from
37 another state is suspended or revoked.

38 6. The applicant fails to meet board standards for
39 application for an initial or renewed license.

40 Qualifications or criteria for the granting or
41 revocation of a license or the determination of an
42 individual's professional standing shall not include
43 membership or nonmembership in any teachers'
44 organization.

45 Sec. 7. Section 260.7, Code 1989, is amended by
46 striking the section and inserting in lieu thereof the
47 following:

48 260.7 VALIDITY OF LICENSE.

49 A license issued under board authority is valid for
50 the period of time for which it is issued, unless the

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1 license is suspended or revoked. A license issued by
2 the board is valid until June 30 of the year in which
3 the license expires. No permanent licenses shall be
4 issued. A person employed as a practitioner shall
5 hold a valid license for the type of service for which
6 the person is employed. This section does not limit
7 the duties or powers of a school board to select or
8 discharge practitioners or to terminate practitioners'
9 contracts. A professional development program, except
10 for a program offered by a practitioner preparation
11 institution or area education agency and approved by
12 the state board of education, must possess a valid
13 license for the types of programs offered.

14 The executive director of the board may grant or
15 deny license applications, applications for renewal of
16 a license, and suspension or revocation of a license.

17 A denial of an application for a license, the denial
18 of an application for renewal, or a suspension or
19 revocation of a license may be appealed by the
20 practitioner to the board.

21 The board may issue emergency renewal or temporary,
22 limited-purpose licenses upon petition by a current or
23 former practitioner. An emergency renewal or a

24 temporary, limited-purpose license may be issued for a
25 period not to exceed two years, if a petitioner
26 demonstrates, to the satisfaction of the board, good
27 cause for failure to comply with board requirements
28 for a regular license and provides evidence that the
29 petitioner will comply with board requirements within
30 the period of the emergency or temporary license.
31 Under exceptional circumstances, an emergency license
32 may be renewed by the board for one additional year.
33 A previously unlicensed person is not eligible for an
34 emergency or temporary license, except that a student
35 who is enrolled in a licensed practitioner preparation
36 program may be issued a temporary, limited-purpose
37 license, without payment of a fee, as part of a
38 practicum or internship program.

39 Sec. 8. Section 260.8, Code 1989, is amended by
40 striking the section and inserting in lieu thereof the
41 following:

42 260.8 LICENSE TO APPLICANTS FROM OTHER STATES OR
43 COUNTRIES.

44 The board may issue a license to an applicant from
45 another state or country if the applicant files
46 evidence of the possession of the required or
47 equivalent requirements with the board. The executive
48 director of the board may, subject to board approval,
49 enter into reciprocity agreements with another state
50 or country for the licensing of practitioners on an

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1 equitable basis of mutual exchange, when the action is
2 in conformity with law.

3 Practitioner preparation and professional
4 development programs offered in this state by out-of-
5 state institutions must be approved by the board in
6 order to fulfill requirements for licensure or renewal
7 of a license by an applicant.

8 Sec. 9. Section 260.9, Code 1989, is amended by
9 striking the section and inserting in lieu thereof the
10 following:

11 260.9 CONTINUITY OF CERTIFICATES AND LICENSES.

12 A certificate which was issued by the board of
13 educational examiners to a practitioner before the
14 effective date of this Act, continues to be in force
15 as long as the certificate complies with the rules and
16 statutes in effect on the effective date of this Act.
17 Requirements for the renewal of licenses, under this
18 chapter, do not apply retroactively to renewal of
19 certificates. However, this section does not limit
20 the duties or powers of a school board to select or

21 discharge practitioners or to terminate practitioners'
22 contracts.

23 A practitioner who holds a certificate issued
24 before the effective date of this Act shall, upon
25 application and payment of a fee, be granted a license
26 which will permit the practitioner to perform the same
27 duties and functions as the practitioner was entitled
28 to perform with the certificate held at the time of
29 application. A practitioner shall be permitted to
30 convert a permanent certificate to a term certificate,
31 after the effective date of this Act, without payment
32 of a fee.

33 A professional development program provided by a
34 school district and approved by the state board of
35 education before the effective date of this Act shall
36 be permitted to continue until the term, for which the
37 program was approved, expires.

38 Sec. 10. CONTINUITY OF RULES. Administrative
39 rules adopted by the board of educational examiners or
40 the professional teaching practices commission
41 relating to licenses or professional practices in
42 effect on April 15, 1989, remain in effect until
43 modified or repealed by the board of educational
44 examiners after the effective date of this Act.

45 Sec. 11. Section 260.10, Code 1989, is amended by
46 striking the section and inserting in lieu thereof the
47 following:

48 260.10 FEES.

49 It is the intent of the general assembly that
50 licensing fees established by the board of educational

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1 examiners be sufficient to finance the activities of
2 the board under this chapter.

3 Licensing fees are payable to the treasurer of
4 state and shall be deposited with the executive
5 director of the board. The executive director shall
6 deposit the fees with the treasurer of state and the
7 fees shall be credited to the general fund of the
8 state. The executive director shall keep an accurate
9 and detailed account of fees received and paid to the
10 treasurer of state.

11 Sec. 12. Section 260.11, Code 1989, is amended by
12 striking the section and inserting in lieu thereof the
13 following:

14 260.11 EXPENDITURES AND REFUNDS.

15 Expenditures and refunds made by the board under
16 this chapter shall be certified by the executive
17 director of the board to the director of revenue and

18 finance, and if found correct, the director of revenue
 19 and finance shall approve the expenditures and refunds
 20 and draw warrants upon the treasurer of state from the
 21 funds appropriated for that purpose.

22 Sec. 13. Section 260.12, Code 1989, is amended by
 23 striking the section and inserting in lieu thereof the
 24 following:

25 260.12 HEARING PROCEDURES.

26 Hearings before the board shall be conducted in the
 27 same manner as contested cases under chapter 17A. The
 28 board may subpoena books, papers, records, and any
 29 other real evidence necessary for the board to decide
 30 whether it should institute a contested case hearing.
 31 At the hearing the board may administer oaths and
 32 issue subpoenas to compel the attendance of witnesses
 33 and the production of other evidence. Subpoenas may
 34 be issued by the board to a party to a hearing, if the
 35 party demonstrates that the evidence or witnesses'
 36 testimony is relevant and material to the hearing.
 37 Service of process and subpoenas for board hearings
 38 shall be conducted in accordance with the law
 39 applicable to the service of process and subpoenas in
 40 civil actions.

41 Witnesses subpoenaed to appear before the board
 42 shall be reimbursed for mileage and necessary expenses
 43 and shall receive per diem compensation by the board,
 44 unless the witness is an employee of the state or a
 45 political subdivision, in which case the witness shall
 46 receive reimbursement only for mileage and necessary
 47 expenses.

48 Sec. 14. Section 260.25, unnumbered paragraph 1,
 49 and subsections 1 and 5 through 9, Code 1989, are
 50 amended to read as follows:

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1 Not later than January 1, ~~1990~~ 1991, the ~~board of~~
 2 ~~educational examiners~~ state board of education shall
 3 adopt rules pursuant to chapter 17A to implement the
 4 following for approved ~~teacher education practitioner~~
 5 preparation programs:

6 1. A requirement that each student admitted to an
 7 approved ~~teacher education practitioner preparation~~
 8 program must participate in field experiences that
 9 include both observation and participation in teaching
 10 activities in a variety of school settings. These
 11 field experiences shall comprise a total of at least
 12 fifty hours' duration, at least forty hours of which
 13 shall occur after a student's admission to an approved

14 ~~teacher education practitioner preparation~~ program.
15 The student teaching experience shall be a minimum of
16 twelve weeks in duration during the student's final
17 year of the ~~teacher education practitioner preparation~~
18 program.

19 5. A requirement that each approved ~~teacher~~
20 ~~education practitioner preparation or professional~~
21 ~~development~~ institution annually offer a workshop of
22 at least one day in duration for prospective
23 cooperating teachers. The workshop shall define the
24 objectives of the student teaching experience, review
25 the responsibilities of the cooperating teacher, and
26 provide the cooperating teacher other information and
27 assistance the institution deems necessary.

28 6. A requirement that ~~teacher education~~
29 ~~practitioner preparation~~ students receive instruction
30 in the use of electronic technology for classroom and
31 instructional purposes.

32 7. A requirement that approved ~~teacher education~~
33 ~~practitioner preparation~~ institutions annually solicit
34 the views of the education community regarding the
35 institution's ~~teacher education practitioner~~
36 ~~preparation~~ programs.

37 8. A requirement that an approved ~~teacher~~
38 ~~education practitioner preparation~~ institution submit
39 evidence that the college or department of education
40 is communicating with other colleges or departments in
41 the institution so that ~~teacher education practitioner~~
42 ~~preparation~~ students may integrate teaching
43 methodology with subject matter areas of
44 specialization.

45 9. A requirement that an approved ~~teacher~~
46 ~~education practitioner preparation~~ program submit
47 evidence that the evaluation of the performance of a
48 student teacher is a cooperative process that involves
49 both the faculty member supervising the student
50 teacher and the cooperating teacher. The rules shall

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1 require that each institution develop a written
2 evaluation procedure for use by the cooperating
3 teacher and a form for evaluating student teachers,
4 and require that a copy of the completed form be
5 included in the student teacher's permanent record.

6 Sec. 15. Section 260.31, subsection 1, unnumbered
7 paragraph 1, Code 1989, is amended to read as follows:

8 The minimum requirements for the board to award a
9 coaching ~~authorization~~ license to an applicant are:

10 Sec. 16. Section 260.31, subsection 2, Code 1989,

11 is amended to read as follows:

12 2. The board of educational examiners shall adopt
 13 rules under chapter 17A for coaching ~~authorizations~~
 14 ~~licenses~~ including, but not limited to, approval of
 15 courses, validity and expiration, fees, and suspension
 16 and revocation of ~~authorizations licenses~~. The
 17 ~~director of the department state board~~ state board of education
 18 shall work with institutions of higher education,
 19 private colleges and universities, merged area
 20 schools, and area education agencies to ~~insure~~ ensure
 21 that the courses required under subsection 1 are
 22 offered throughout the state at convenient times and
 23 at a reasonable cost.

24 Sec. 17. Section 260.33, Code 1989, is amended to
 25 read as follows:

26 260.33 EVALUATOR APPROVAL LICENSE.

27 Effective July 1, 1990, in addition to ~~endorsements~~
 28 ~~licenses~~ required under rules adopted pursuant to this
 29 chapter, an individual employed as an administrator,
 30 supervisor, school service person, or teacher by a
 31 school district, area education agency, or area
 32 school, who conducts evaluations of the performance of
 33 individuals holding ~~certificates licenses~~ under this
 34 chapter, shall possess an evaluator ~~approval license~~.

35 By July 1, ~~1987~~ 1990, the board of educational
 36 examiners shall adopt rules establishing requirements
 37 for an evaluator ~~approval license~~ including but not
 38 limited to ~~approval of courses~~, renewal requirements,
 39 fees, and suspension and revocation of evaluator
 40 ~~approvals licenses~~. An approved program shall include
 41 provisions for determining that an applicant for
 42 evaluator ~~approval license~~ has satisfactorily
 43 completed the program. The ~~board of educational~~
 44 ~~examiners state board of education~~ shall work with
 45 institutions of higher education under the state board
 46 of regents, private colleges and universities, merged
 47 area schools, and area education agencies to ~~insure~~
 48 ensure that the courses required under subsection 1
 49 are offered throughout the state at convenient times
 50 and at reasonable cost. The requirements shall

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1 include completion of a program approved by the ~~board~~
 2 ~~of educational examiners state board of education~~ as
 3 follows:

4 1. For evaluation of teachers, the development of
 5 skills including but not limited to analysis of lesson
 6 plans, classroom observation, analysis of data,
 7 performance improvement strategies, and communication

8 skills.

9 2. For evaluation of ~~certificated~~ licensed
10 employees other than teachers, the development of
11 skills including but not limited to communication
12 skills, analysis of employee performance, analysis of
13 data, and performance improvement strategies.

14 ~~An evaluator approval~~ A license is valid for a
15 period of five years from its issuance.

16 Sec. 18. Section 260.34, Code 1989, is amended to
17 read as follows:

18 260.34 ELEMENTARY ~~ENDORSEMENTS~~ LICENSES.

19 The board of educational examiners in conjunction
20 with the child development coordinating council, or
21 other similar agency, shall develop appropriate
22 ~~endorsements~~ licenses for teachers in the early
23 elementary grades, taking into consideration
24 recommendations from the child development
25 coordinating council or other similar agency, the
26 center for early development education, and teacher
27 education personnel.

28 Sec. 19. Section 256.7, subsection 3, Code 1989,
29 is amended by striking the subsection and inserting in
30 lieu thereof the following:

31 3. Prescribe standards and procedures for the
32 approval of practitioner preparation programs and
33 professional development programs, offered by
34 practitioner preparation institutions and area
35 education agencies, in this state. Procedures
36 provided for approval of programs shall include
37 procedures for enforcement of the prescribed standards
38 and shall not include a procedure for the waiving of
39 any of the standards prescribed.

40 Sec. 20. Section 256.7, subsection 9, unnumbered
41 paragraphs 1, 2, and 3, Code 1989, are amended to read
42 as follows:

43 Adopt rules under chapter 17A for the use of
44 telecommunications as an instructional tool for
45 students enrolled in kindergarten through grade twelve
46 and served by local school districts, accredited or
47 approved nonpublic schools, area education agencies,
48 merged area schools, institutions of higher education
49 under the state board of regents, and independent
50 colleges and universities in elementary and secondary

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1 school classes and courses. The rules shall include
2 but need not be limited to rules relating to programs,
3 educational policy, instructional practices, staff
4 development, use of pilot projects, curriculum

5 monitoring, and the accessibility of ~~certificated~~
6 licensed teachers.

7 When curriculum is provided by means of
8 telecommunications, it shall be taught by a
9 ~~certificated~~ an appropriately licensed teacher who is
10 ~~properly endorsed or approved~~. The teacher shall
11 either be present in the classroom, or be present at
12 the location at which the curriculum delivered by
13 means of telecommunications originates.

14 The rules shall provide that when the curriculum is
15 taught by a ~~certificated and properly endorsed or~~
16 approved an appropriately licensed teacher at the
17 location at which the telecommunications originates,
18 the curriculum received shall be under the supervision
19 of a ~~certificated~~ licensed teacher. For the purposes
20 of this subsection, "supervision" means that the
21 curriculum is monitored by a ~~certificated~~ licensed
22 teacher and the ~~certificated~~ teacher is accessible to
23 the students receiving the curriculum by means of
24 telecommunications.

25 Sec. 21. Section 256.7, subsections 10 and 11,
26 Code 1989, are amended to read as follows:

27 10. Rules adopted under this section shall provide
28 that telecommunications shall not be used by school
29 districts as the exclusive means to provide any course
30 which is required by the minimum educational standards
31 for ~~approval~~ or accreditation.

32 11. Develop evaluation procedures that will
33 measure the effects of instruction by means of
34 telecommunications on student achievement,
35 socialization, intellectual growth, motivation, and
36 other related factors deemed relevant by the state
37 board, for the development of an educational data
38 base. The state board shall consult with the state
39 board of regents and the ~~teacher education~~
40 practitioner preparation departments at its
41 institutions, other ~~approved teacher education~~
42 practitioner preparation departments located within
43 private colleges and universities, educational
44 research agencies or facilities, and other agencies
45 deemed appropriate by the state board, in developing
46 these procedures.

47 Sec. 22. Section 256.7, Code 1989, is amended by
48 adding the following new subsection:

49 NEW SUBSECTION. 13. Not later than January 1,
50 1991, adopt rules under chapter 17A for alternative

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1 training programs for persons who hold a temporary
2 substitute teaching license issued under chapter 260.
3 Rules adopted shall provide that alternative training
4 programs be offered by approved practitioner
5 preparation programs. Rules adopted shall also
6 provide that alternative training programs include an
7 evaluation, conducted by an appropriately licensed
8 practitioner who is not an employee of the school
9 corporation participating in the alternative training
10 program, of the performance of a person who holds a
11 temporary substitute teaching license and is employed
12 by a school corporation and that satisfactory
13 completion of the evaluation be a condition precedent
14 to obtaining a standard license under chapter 260.

15 Sec. 23. Section 256.11, subsections 1 and 2, Code
16 1989, are amended to read as follows:

17 1. If a school offers a prekindergarten program,
18 the program shall be designed to help children to work
19 and play with others, to express themselves, to learn
20 to use and manage their bodies, and to extend their
21 interests and understanding of the world about them.
22 The prekindergarten program shall relate the role of
23 the family to the child's developing sense of self and
24 perception of others. Planning and carrying out
25 prekindergarten activities designed to encourage
26 cooperative efforts between home and school shall
27 focus on community resources. A prekindergarten
28 teacher shall hold a ~~certificate~~ license certifying
29 that the holder is qualified to teach in
30 prekindergarten. A nonpublic school which offers only
31 a prekindergarten may, but is not required to, seek
32 and obtain accreditation.

33 2. The kindergarten program shall include
34 experiences designed to develop healthy emotional and
35 social habits and growth in the language arts and
36 communication skills, as well as a capacity for the
37 completion of individual tasks, and protect and
38 increase physical well-being with attention given to
39 experiences relating to the development of life skills
40 and human growth and development. A kindergarten
41 teacher shall be ~~certificated~~ licensed to teach in
42 kindergarten. An accredited nonpublic school must
43 meet the requirements of this subsection only if the
44 nonpublic school offers a kindergarten program.

45 Sec. 24. Section 256.11, subsection 5, paragraph
46 f, Code 1989, is amended to read as follows:

47 f. Four sequential units of one foreign language.

48 The department may waive the third and fourth years of

49 the foreign language requirement on an annual basis
50 upon the request of the board of directors of a school

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1 district or the authorities in charge of a nonpublic
2 school if the board or authorities are able to prove
3 that a ~~certificated~~ licensed teacher was employed and
4 assigned a schedule that would have allowed students
5 to enroll in a foreign language class, the foreign
6 language class was properly scheduled, students were
7 aware that a foreign language class was scheduled, and
8 no students enrolled in the class.

9 Sec. 25. Section 256.11, subsection 9, paragraph
10 b, Code 1989, is amended to read as follows:

11 b. Effective July 1, 1990, unless a waiver has
12 been obtained under section 256.11A, each school or
13 school district shall have a qualified school media
14 specialist who shall meet the ~~certification and~~
15 ~~approval~~ licensing standards prescribed by the
16 ~~department~~ board of educational examiners and shall be
17 responsible for supervision of the media centers.

18 Each school or school district shall establish a media
19 center, in each attendance center, which shall be
20 accessible to students throughout the school day.

21 Sec. 26. Section 256.11, subsection 9A, Code 1989,
22 is amended to read as follows:

23 9A. Each school or school district shall provide
24 an articulated sequential guidance program for grades
25 kindergarten through twelve. Until July 1, 1991, a
26 school or school district may obtain a waiver from
27 meeting the requirements of this subsection pursuant
28 to section 256.11A. The guidance counselor shall meet
29 the ~~certification and approval~~ licensing standards of
30 the ~~department~~ board of educational examiners.

31 Sec. 27. Section 256.16, Code 1989, is amended to
32 read as follows:

33 256.16 SPECIFIC CRITERIA FOR TEACHER PREPARATION
34 AND CERTAIN EDUCATORS.

35 Pursuant to section 256.7, subsection 5, the state
36 board shall adopt rules requiring all ~~approved teacher~~
37 ~~training institutions~~ higher education institutions
38 providing practitioner preparation to include in the
39 professional education program, preparation that
40 contributes to education of the handicapped and the
41 gifted and talented, which must be successfully
42 completed before graduation from the ~~teacher training~~
43 practitioner preparation program.

44 A person initially applying for a ~~certificate,~~
45 ~~endorsement, or approval~~ license shall successfully

46 complete a professional education program containing
47 the subject matter specified in this section, before
48 the initial action by the ~~department~~ board of
49 educational examiners takes place.
50 Sec. 28. Section 256.17, unnumbered paragraph 1,

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1 Code 1989, is amended to read as follows:
2 The state board shall review the standards
3 contained in section 256.11, shall review current
4 literature relating to effective schools and learning
5 environments, and shall consult with representatives
6 from the higher education institutions, the board of
7 educational examiners, area education agencies, school
8 board members, school administrators, teachers,
9 parents, students, members of business, industry, and
10 labor, other governmental agencies, associations
11 interested in education, and representatives of
12 communities of various sizes to develop standards for
13 accredited schools and school districts that
14 encompass, but are not limited to the following
15 general areas:
16 Sec. 29. Section 256.17, subsection 5, Code 1989,
17 is amended to read as follows:
18 5. A performance evaluation process for its
19 ~~certificated staff licensed practitioners~~ using staff
20 members who possess an evaluator approval license
21 ~~under section 260.33 rules adopted by the board of~~
22 educational examiners.
23 Sec. 30. Section 258.3A, subsection 3, Code 1989,
24 is amended to read as follows:
25 3. Adopt rules prescribing standards for approval
26 of schools, departments, and classes; area vocational-
27 technical high schools and programs; and area
28 vocational schools and programs; and teacher training
29 practitioner preparation schools, departments, and
30 classes, applying for federal and state moneys under
31 this chapter.
32 Sec. 31. Section 258.4, subsections 5, 6, and 7,
33 Code 1989, are amended to read as follows:
34 5. ~~Enforce~~ Make recommendations to the board of
35 educational examiners relating to the enforcement of
36 rules prescribing standards for teachers of subjects
37 listed in subsection 2 in ~~approved~~ accredited schools,
38 departments, and classes.
39 6. Co-operate in the maintenance of teachers
40 training practitioner preparation schools,
41 departments, and classes, supported and controlled by
42 the public, for the training of teachers and

43 supervisors of subjects listed in subsection 2.
 44 7. Annually inspect, as a basis of approval, all
 45 schools, departments, and classes, area vocational-
 46 technical high schools and programs, area vocational
 47 schools and programs and all ~~teachers training~~
 48 practitioner preparation schools, departments, and
 49 classes, applying for federal and state moneys under
 50 the provisions of this chapter.

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1 Sec. 32. Section 258.5, Code 1989, is amended to
 2 read as follows:
 3 258.5 FEDERAL AID -- CONDITIONS.
 4 ~~Whenever~~ If a school corporation maintains an
 5 approved vocational school, department, or classes in
 6 accordance with the rules adopted by the state board,
 7 and rules and standards adopted by the board of
 8 educational examiners, and the state plan for
 9 vocational education, adopted by ~~that~~ the board for
 10 vocational education and approved by the United States
 11 department of education, the director of the
 12 department of education shall reimburse the school
 13 corporation at the end of the fiscal year for its
 14 expenditures for salaries and authorized travel of
 15 vocational teachers from federal and state funds.
 16 However, a school corporation shall not receive from
 17 federal and state funds a larger amount than one-half
 18 the sum which has been expended by the school
 19 corporation for that particular type of program. If
 20 federal and state funds are not sufficient to make the
 21 reimbursement to the extent provided in this section,
 22 the director shall prorate the respective amounts
 23 available to the corporations entitled to
 24 reimbursement.
 25 The director may use federal funds to reimburse
 26 approved ~~teacher training~~ practitioner preparation
 27 schools, departments, or classes for the training of
 28 teachers of agriculture, home economics, trades and
 29 industrial education, distributive education, and for
 30 the training of guidance counselors.
 31 Sec. 33. Section 258.6, Code 1989, is amended to
 32 read as follows:
 33 258.6 DEFINITIONS.
 34 "Approved school, department, or class" ~~shall mean~~
 35 means a school, department, or class approved by ~~said~~
 36 the board as entitled under ~~the provisions~~ of this
 37 chapter to federal and state moneys for the salaries
 38 and authorized travel of teachers of vocational

39 subjects. "Approved ~~teachers training practitioner~~
 40 ~~preparation~~ school, department, or class" shall mean
 41 ~~means~~ a school, department, or class approved by the
 42 board as entitled under ~~the provisions~~ of this chapter
 43 to federal moneys for the training of teachers of
 44 vocational subjects.

45 Sec. 34. Section 273.3, subsections 5 and 11, Code
 46 1989, are amended to read as follows:

47 5. Be authorized, subject to rules ~~and regulations~~
 48 of the state board of education, to provide directly
 49 or by contractual arrangement with public or private
 50 agencies for special education programs and services,

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1 media services, and educational programs and services
 2 requested by the local boards of education as provided
 3 in this chapter, including but not limited to
 4 contracts for the area education agency to provide
 5 programs or services to the local school districts and
 6 contracts for local school districts, other
 7 educational agencies, and public and private agencies
 8 to provide programs and services to the local school
 9 districts in the area education agency in lieu of the
 10 area education agency providing the services.
 11 Contracts may be made with public or private agencies
 12 located outside the state if the programs and services
 13 comply with the rules of the state board. Rules
 14 adopted by the state board of education shall be
 15 consistent with rules, adopted by the board of
 16 educational examiners, relating to licensing of
 17 practitioners.

18 11. Employ personnel to carry out the functions of
 19 the area education agency which shall include the
 20 employment of an administrator who shall possess a
 21 certificate license issued under ~~section 260.9 chapter~~
 22 260. The administrator shall be employed pursuant to
 23 section 279.20 and sections 279.23, 279.24 and 279.25.
 24 The salary for an area education agency administrator
 25 shall be established by the board based upon the
 26 previous experience and education of the
 27 administrator. ~~The provisions of section~~ Section
 28 279.13 shall apply applies to the area education
 29 agency board and to all teachers employed by the area
 30 education agency. ~~The provisions of sections~~ Sections
 31 279.23, 279.24 and 279.25 shall apply to the area
 32 education board and to all administrators employed by
 33 the area education agency.

34 Sec. 35. Section 279.19B, Code 1989, is amended to
 35 read as follows:

36 279.19B COACHING ENDORSEMENT AND AUTHORIZATION.

37 The board of directors of a school district shall
 38 offer an extracurricular contract for varsity head
 39 coach of the interscholastic athletic activities of
 40 football, basketball, track not including cross-
 41 country, baseball, softball, volleyball, gymnastics,
 42 hockey, and wrestling only to an individual possessing
 43 a teaching certificate license with a coaching
 44 endorsement issued pursuant to chapter 260.
 45 The board of directors of a school district may
 46 employ for head coach of other interscholastic
 47 athletic activities or for assistant coach of any
 48 interscholastic athletic activity, an individual who
 49 possesses a coaching authorization issued by the
 50 ~~department of education~~ board of educational

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1 examiners. An individual who has been issued a
 2 coaching authorization or who possesses a teaching
 3 certificate license with a coaching endorsement but is
 4 not issued a teaching contract under section 279.13
 5 and who is employed by the board of directors of a
 6 school district serves at the pleasure of the board of
 7 directors and is not subject to sections 279.13
 8 through 279.19, and 279.27. ~~Chapter 272A and~~
 9 subsection Subsection 1 of section 279.19A apply
 10 applies to coaching authorizations.

11 Sec. 36. Section 282.3, subsection 2, unnumbered
 12 paragraph 2, Code 1989, is amended to read as follows:

13 ~~No A~~ child under the age of six years on the
 14 fifteenth of September of the current school year
 15 shall not be admitted to ~~any~~ a public school unless
 16 the board of directors of the school ~~shall have~~ has
 17 adopted and put into effect courses of study for the
 18 school year immediately preceding the first grade,
 19 approved by the department of education, and ~~shall~~
 20 have has employed a ~~teacher or teachers~~ practitioner
 21 or practitioners for this work with standards of
 22 training approved by the ~~department of education~~ board
 23 of educational examiners.

24 Sec. 37. Section 294.3, Code 1989, is amended to
 25 read as follows:

26 294.3 STATE AID AND TUITION.

27 ~~No A~~ school shall not be deprived of its right to
 28 be approved for state aid or approved for tuition by
 29 reason of the employment of any ~~teacher~~ practitioner
 30 as authorized under section ~~294.2~~ 260.9.

31 Sec. 38. Section 294A.2, subsections 3, 4, and 5,

32 Code 1989, are amended to read as follows:

33 3. "General training requirements" means
34 requirements prescribed by a board of directors that
35 provide for the acquisition of additional semester
36 hours of graduate credit from an institution of higher
37 education approved by the ~~board of educational~~
38 ~~examiners~~ state board of education or the completion
39 of staff development activities ~~approved~~ licensed by
40 the ~~department of education~~ board of educational
41 examiners, except for programs developed by
42 practitioner preparation institutions, for renewal of
43 ~~certificates~~ licenses issued under chapter 260.
44 4. "Specialized training requirements" means
45 requirements prescribed by a board of directors to
46 meet specific needs of the school district identified
47 by the board of directors that provide for the
48 acquisition of clearly defined skills through formal
49 or informal education that are beyond the requirements
50 necessary for initial ~~certification~~ licensing under

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1 chapter 260.

2 5. "Teacher" means an individual holding a
3 ~~teaching certificate~~ practitioner's license issued
4 under chapter 260, ~~letter of authorization, or a~~
5 ~~statement of professional recognition~~ issued by the
6 board of educational examiners, who is employed in a
7 nonadministrative position by a school district or
8 area education agency pursuant to a contract issued by
9 a board of directors under section 279.13. A teacher
10 may be employed in both an administrative and a
11 nonadministrative position by a board of directors and
12 shall be considered a part-time teacher for the
13 portion of time that the teacher is employed in a
14 nonadministrative position.

15 Effective July 1, 1988, "teacher" includes an
16 individual employed on less than a full-time basis by
17 a school district through a contract between the
18 school district and an institution of higher education
19 with an ~~approved teacher education a practitioner~~
20 preparation program in which the teacher is enrolled
21 in a ~~graduate teacher education practitioner~~
22 preparation program.

23 Sec. 39. Section 321.180, subsection 1, Code 1989,
24 is amended to read as follows:

25 1. A person who is at least fourteen years of age
26 and who, except for the person's lack of instructions
27 in operating a motor vehicle, would be qualified to
28 obtain an operator's license, shall, upon meeting the

29 requirements of section 321.186 other than a driving
 30 demonstration, and upon paying the required fee, be
 31 issued a temporary instruction permit by the
 32 department. Subject to the limitations in this
 33 subsection, a temporary instruction permit entitles
 34 the permittee, while having the permit in the
 35 permittee's immediate possession, to drive a motor
 36 vehicle upon the highways for a period of two years
 37 from the date of issuance. The permittee must be
 38 accompanied by a licensed operator or chauffeur who is
 39 at least eighteen years of age, who is an approved
 40 driver education instructor, or who is a prospective
 41 driver education instructor enrolled in and
 42 specifically designated by a ~~teacher education~~
 43 ~~institution practitioner preparation program~~ with a
 44 safety education program approved by the ~~department~~
 45 ~~state board~~ of education, and who is actually
 46 occupying a seat beside the driver. The temporary
 47 instruction permit issued to a person who is less than
 48 sixteen years of age entitles the permittee to drive a
 49 motor vehicle upon the highways only when accompanied
 50 by a licensed operator or chauffeur who is the parent

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1 or guardian of the permittee, an approved driver
 2 education instructor, a prospective driver education
 3 instructor who is enrolled in and has been
 4 specifically designated by a ~~teacher education~~
 5 ~~institution practitioner preparation program~~ with a
 6 safety education program approved by the ~~department~~
 7 ~~state board~~ of education, or a person who is twenty-
 8 five years of age or more if written permission is
 9 granted by the parent or guardian, and who is actually
 10 occupying a seat beside the driver.
 11 Sec. 40. Sections 232.69, 256.18, 256.19, 256.30,
 12 261.51, 262.9, 275.56, 275.59, 279.12, 279.13,
 13 279.19A, 279.49, 294A.9, 294A.10, 294A.15, 294A.24,
 14 294A.25, and 808A.1, Code 1989, are amended by
 15 striking the words "certificated" and
 16 "noncertificated" and inserting in lieu thereof the
 17 word "licensed" or "unlicensed".
 18 Sec. 41. Sections 261.45, 281.2, and 299.1, Code
 19 1989, are amended by striking the word "certified" and
 20 inserting in lieu thereof the word "licensed".
 21 Sec. 42. Sections 261.51, 261.52, and 279.19B,
 22 Code 1989, are amended by striking the words
 23 "certificate" and "certificates" and inserting in lieu
 24 thereof the word "license" or "licenses".
 25 Sec. 43. REPEALS. Sections 256.31, 260.12,

26 260.14, 260.15, 260.19, 260.20, 260.21, 260.23,
27 260.27, 260.28, and 294.2, and chapter 272A, Code
28 1989, are repealed.
29 Sec. 44. USE OF FUNDS. Funds appropriated to the
30 department of education for the purpose of operating
31 advisory committees for certification shall be made
32 available by the department for use by the board of
33 educational examiners created under this Act. Staff,
34 office equipment and materials, records, and other
35 assets currently held by the department for the
36 purpose of carrying out the state board of education's
37 duties as the board of educational examiners shall
38 also be made available for use by the board created
39 under this Act. Professional and nonprofessional
40 staff employed on the effective date of this Act whose
41 duties involve certification of practitioners shall be
42 reassigned as employees of the department of education
43 under the direction of the board created under this
44 Act. However, the number of full-time equivalent
45 positions currently assigned to duties involving the
46 certification of practitioners shall not be reduced
47 below the level maintained by the department as of
48 January 1, 1989, for the board's operation after the
49 effective date of this Act."

RICHARD VARN

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 451

S-4134

1 Amend the Senate amendment, H-4446, to House File
2 451, as amended, passed, and reprinted by the House,
3 as follows:
4 1. By striking page 1, line 49, through page 2,
5 line 6.
6 2. By renumbering as necessary.

S-4135

1 Amend the amendment, S-4133, to House File 794, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. By striking page 1, line 1 through page 20,
5 line 49, and inserting the following:

6 "Amend House File 794, as amended, passed, and
7 reprinted by the House as follows:

8 " — . By striking everything after the enacting
9 clause and inserting the following:

10 "Section 1. Section 260.1, Code 1989, is amended
11 by striking the section and inserting in lieu thereof
12 the following:

13 260.1 DEFINITIONS.

14 1. "Administrator" means a person who is licensed
15 to coordinate, supervise, or direct an educational
16 program or the activities of other practitioners.

17 2. "Board" means the board of educational
18 examiners.

19 3. "Department" means the state department of
20 education.

21 4. "License" means the authority that is given to
22 allow a person to legally serve as a practitioner, a
23 school, an institution, or a course of study to
24 legally offer professional development programs, other
25 than those programs offered by practitioner
26 preparation schools, institutions, or courses of
27 study.

28 5. "Practitioner" means an administrator, teacher,
29 or other licensed professional who does not hold or
30 receive a license from a professional licensing board
31 other than the board of educational examiners and who
32 provides educational assistance to students.

33 6. "Practitioner preparation program" means a
34 program approved by the state board of education which
35 prepares a person to obtain a license as a
36 practitioner.

37 7. "Principal" means a licensed member of a
38 school's instructional staff who serves as an
39 instructional leader, coordinates the process and
40 substance of educational and instructional programs,
41 coordinates the budget of the school, provides
42 formative evaluation for all practitioners and other
43 persons in the school, recommends or has effective
44 authority to appoint, assign, promote, or transfer
45 personnel in a school building, implements the local
46 school board's policy in a manner consistent with
47 professional practice and ethics, and assists in the
48 development and supervision of a school's student
49 activities program.

50 8. "Professional development program" means a

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1 course or program which is offered by a person or
2 agency for the purpose of providing continuing

3 education for the renewal or upgrading of a
4 practitioner's license.

5 9. "School" means a school under section 280.2, a
6 merged area school, an area education agency, and a
7 school operated by a state agency for special
8 purposes.

9 10. "School service personnel" means those persons
10 holding a practitioner's license who provide support
11 services for a student enrolled in school or to
12 practitioners employed in a school.

13 11. "Student" means a person who is enrolled in a
14 course of study at a school or practitioner
15 preparation program, or who is receiving direct or
16 indirect assistance from a practitioner.

17 12. "Superintendent" means an administrator who
18 promotes, demotes, transfers, assigns, or evaluates
19 practitioners or other personnel, and carries out the
20 policies of a governing board in a manner consistent
21 with professional practice and ethics.

22 13. "Teacher" means a licensed member of a
23 school's instructional staff who diagnoses,
24 prescribes, evaluates, and directs student learning in
25 a manner which is consistent with professional
26 practice and school objectives, shares responsibility
27 for the development of an instructional program and
28 any coordinating activities, evaluates or assesses
29 student progress before and after instruction, and who
30 uses the student evaluation or assessment information
31 to promote additional student learning.

32 Sec. 2. Section 260.2, Code 1989, is amended by
33 striking the section and inserting in lieu thereof the
34 following:

35 260.2 BOARD OF EXAMINERS CREATED.

36 The board of educational examiners is created to
37 exercise the exclusive authority to:

38 1. License practitioners, who do not hold or
39 receive a license from another professional licensing
40 board, and professional development programs, except
41 for programs developed and offered by practitioner
42 preparation institutions or area education agencies
43 and approved by the state board of education.
44 Licensing authority includes the authority to
45 establish criteria for the licenses, including but not
46 limited to, issuance and renewal requirements,
47 creation of application and renewal forms, creation of
48 licenses that authorize different instructional
49 functions or specialties, development of a code of
50 professional rights and responsibilities, practice,

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1 and ethics, and the authority to develop any other
2 classifications, distinctions, and procedures which
3 may be necessary to exercise licensing duties. A code
4 of professional rights and responsibilities, practice,
5 and ethics shall address but not be limited to the
6 habitual failure of a practitioner to fulfill
7 contractual obligations under section 279.13.
8 2. Establish, collect, and refund fees for a
9 license.
10 3. Enter into reciprocity agreements with other
11 equivalent state boards or a national certification
12 board to provide for licensing of applicants from
13 other states or nations.
14 4. Enforce rules adopted by the board, through
15 revocation or suspension of a license, or by other
16 disciplinary action against a practitioner or
17 professional development program licensed by the board
18 of educational examiners.
19 5. Apply for and receive federal or other funds on
20 behalf of the state for purposes related to its
21 duties.
22 6. Evaluate and conduct studies of board
23 standards.
24 7. Hire an executive director, legal counsel, and
25 other personnel and control the personnel
26 administration of persons employed by the board.
27 8. Hear appeals regarding application, renewal,
28 suspension, or revocation of a license. Board action
29 is final agency action for purposes of chapter 17A.
30 9. Establish standards for the determination of
31 whether an applicant is qualified to perform the
32 duties required for a given license.
33 10. Issue statements of professional recognition
34 to school service personnel who are licensed by
35 another professional licensing board.
36 11. Make recommendations to the state board of
37 education concerning standards for the approval of
38 professional development programs.
39 12. Establish, under chapter 17A, rules necessary
40 to carry out board duties, and establish a budget
41 request.
42 13. By January 1, 1991, adopt rules and establish
43 classifications for temporary substitute teaching, for
44 persons who hold a bachelor's degree from an
45 accredited college or university, but who do not meet
46 other requirements for licensure. Rules adopted shall
47 provide that temporary substitute teaching licenses
48 shall be valid for two years, or until the holder has

49 completed an alternative training program, whichever
50 occurs first. Temporary substitute teaching license

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1 holders, whose licenses expire because of completion
2 of an alternative training program, shall be eligible
3 for an appropriate standard license upon application
4 and submission of proof of satisfactory completion of
5 the alternative training program.

6 Sec. 3. Section 260.3, Code 1989, is amended by
7 striking the section and inserting in lieu thereof the
8 following:

9 **260.3 MEMBERSHIP.**

10 The board of educational examiners consists of
11 eleven members. Two must be members of the general
12 public and the remaining nine must be licensed
13 practitioners. One of the public members shall also
14 be the director of the department of education, or the
15 director's designee. The other public member shall be
16 a person who does not hold a practitioner's license,
17 but has a demonstrated interest in education. The
18 nine practitioners shall be selected from the
19 following areas and specialties of the teaching
20 profession:

- 21 1. Elementary teachers.
- 22 2. Secondary teachers.
- 23 3. Special education or other similar teachers.
- 24 4. Counselors or other special purpose
25 practitioners.
- 26 5. Merged area school faculty members.
- 27 6. Administrators.
- 28 7. School service personnel.

29 A majority of the licensed practitioner members
30 shall be nonadministrative practitioners. Four of the
31 members shall be administrators. Membership of the
32 board shall comply with the requirements of sections
33 69.16 and 69.16A. A quorum of the board shall consist
34 of six members. The director of the department of
35 education shall serve as the chairperson of the board.
36 Members, except for the director of the department of
37 education, shall be appointed by the governor and the
38 appointments are subject to confirmation by the
39 senate.

40 **Sec. 4. NEW SECTION. 260.4. TERMS OF OFFICE.**

41 Members, except for the director of the department
42 of education, shall be appointed to serve staggered
43 terms of four years. A member shall not serve more
44 than two consecutive terms, except for the director of
45 the department of education, who shall serve until the

46 director's term of office expires. A member of the
47 board, except for the two public members, shall hold a
48 valid practitioner's license during the member's term
49 of office. A vacancy exists when any of the following
50 occur:

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1 1. A nonpublic member's license expires, is
2 suspended, or is revoked.

3 2. A nonpublic member retires or terminates
4 employment as a practitioner.

5 3. A member dies, resigns, is removed from office,
6 or is otherwise physically unable to perform the
7 duties of office.

8 4. A member's term of office expires.

9 Terms of office for regular appointments begin on
10 July 1, and for vacancies on the date of appointment.

11 Members may be removed for cause by a state court with
12 competent jurisdiction after notice and opportunity
13 for hearing. The board may remove a member for three
14 consecutive absences or for cause.

15 Sec. 5. Section 260.5, Code 1989, is amended by
16 striking the section and inserting in lieu thereof the
17 following:

18 **260.5 COMPENSATION.**

19 Members shall be reimbursed for actual and
20 necessary expenses incurred while engaged in their
21 official duties and may be entitled to per diem
22 compensation as authorized under section 7E.6. For
23 duties performed during an ordinary school day by a
24 member who is employed by a school corporation or
25 state university, the member shall also receive
26 regular compensation from the school or university.
27 However, the member shall reimburse the school or
28 university in the amount of the per diem compensation
29 received.

30 Sec. 6. Section 260.6, Code 1989, is amended by
31 striking the section and inserting in lieu thereof the
32 following:

33 **260.6 QUALIFICATIONS FOR PRACTITIONERS.**

34 The board shall determine whether an applicant is
35 qualified to perform the duties for which a license is
36 sought. Applicants shall be disqualified for any of
37 the following reasons:

38 1. The applicant is less than twenty-one years of
39 age. However, a student enrolled in a practitioner
40 preparation program who meets board requirements for a
41 temporary, limited-purpose license who is seeking to
42 teach as part of a practicum or internship may be less

- 43 than twenty-one years of age.
44 2. The applicant has been convicted of child abuse
45 or sexual abuse of a child.
46 3. The applicant has been convicted of a felony.
47 4. The applicant's application is fraudulent.
48 5. The applicant's license or certification from
49 another state is suspended or revoked.
50 6. The applicant fails to meet board standards for

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- 1 application for an initial or renewed license.
2 Qualifications or criteria for the granting or
3 revocation of a license or the determination of an
4 individual's professional standing shall not include
5 membership or nonmembership in any teachers'
6 organization.
7 Sec. 7. Section 260.7, Code 1989, is amended by
8 striking the section and inserting in lieu thereof the
9 following:
10 260.7 VALIDITY OF LICENSE.
11 A license issued under board authority is valid for
12 the period of time for which it is issued, unless the
13 license is suspended or revoked. A license issued by
14 the board is valid until June 30 of the year in which
15 the license expires. No permanent licenses shall be
16 issued. A person employed as a practitioner shall
17 hold a valid license for the type of service for which
18 the person is employed. This section does not limit
19 the duties or powers of a school board to select or
20 discharge practitioners or to terminate practitioners'
21 contracts. A professional development program, except
22 for a program offered by a practitioner preparation
23 institution or area education agency and approved by
24 the state board of education, must possess a valid
25 license for the types of programs offered.
26 The executive director of the board may grant or
27 deny license applications, applications for renewal of
28 a license, and suspension or revocation of a license.
29 A denial of an application for a license, the denial
30 of an application for renewal, or a suspension or
31 revocation of a license may be appealed by the
32 practitioner to the board.
33 The board may issue emergency renewal or temporary,
34 limited-purpose licenses upon petition by a current or
35 former practitioner. An emergency renewal or a
36 temporary, limited-purpose license may be issued for a
37 period not to exceed two years, if a petitioner
38 demonstrates, to the satisfaction of the board, good
39 cause for failure to comply with board requirements

40 for a regular license and provides evidence that the
41 petitioner will comply with board requirements within
42 the period of the emergency or temporary license.
43 Under exceptional circumstances, an emergency license
44 may be renewed by the board for one additional year.
45 A previously unlicensed person is not eligible for an
46 emergency or temporary license, except that a student
47 who is enrolled in a licensed practitioner preparation
48 program may be issued a temporary, limited-purpose
49 license, without payment of a fee, as part of a
50 practicum or internship program.

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1 Sec. 8. Section 260.8, Code 1989, is amended by
2 striking the section and inserting in lieu thereof the
3 following:
4 **260.8 LICENSE TO APPLICANTS FROM OTHER STATES OR**
5 **COUNTRIES.**

6 The board may issue a license to an applicant from
7 another state or country if the applicant files
8 evidence of the possession of the required or
9 equivalent requirements with the board. The executive
10 director of the board may, subject to board approval,
11 enter into reciprocity agreements with another state
12 or country for the licensing of practitioners on an
13 equitable basis of mutual exchange, when the action is
14 in conformity with law.

15 Practitioner preparation and professional
16 development programs offered in this state by out-of-
17 state institutions must be approved by the board in
18 order to fulfill requirements for licensure or renewal
19 of a license by an applicant.

20 Sec. 9. Section 260.9, Code 1989, is amended by
21 striking the section and inserting in lieu thereof the
22 following:

23 **260.9 CONTINUITY OF CERTIFICATES AND LICENSES.**

24 A certificate which was issued by the board of
25 educational examiners to a practitioner before the
26 effective date of this Act, continues to be in force
27 as long as the certificate complies with the rules and
28 statutes in effect on the effective date of this Act.
29 Requirements for the renewal of licenses, under this
30 chapter, do not apply retroactively to renewal of
31 certificates. However, this section does not limit
32 the duties or powers of a school board to select or
33 discharge practitioners or to terminate practitioners'
34 contracts.

35 A practitioner who holds a certificate issued
36 before the effective date of this Act shall, upon

37 application and payment of a fee, be granted a license
38 which will permit the practitioner to perform the same
39 duties and functions as the practitioner was entitled
40 to perform with the certificate held at the time of
41 application. A practitioner shall be permitted to
42 convert a permanent certificate to a term certificate,
43 after the effective date of this Act, without payment
44 of a fee.

45 A professional development program provided by a
46 school district and approved by the state board of
47 education before the effective date of this Act shall
48 be permitted to continue until the term, for which the
49 program was approved, expires.

50 Sec. 10. CONTINUITY OF RULES. Administrative

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1 rules adopted by the board of educational examiners or
2 the professional teaching practices commission
3 relating to licenses or professional practices in
4 effect on April 15, 1989, remain in effect until
5 modified or repealed by the board of educational
6 examiners after the effective date of this Act.

7 Sec. 11. Section 260.10, Code 1989, is amended by
8 striking the section and inserting in lieu thereof the
9 following:

10 260.10 FEES.

11 It is the intent of the general assembly that
12 licensing fees established by the board of educational
13 examiners be sufficient to finance the activities of
14 the board under this chapter.

15 Licensing fees are payable to the treasurer of
16 state and shall be deposited with the executive
17 director of the board. The executive director shall
18 deposit the fees with the treasurer of state and the
19 fees shall be credited to the general fund of the
20 state. The executive director shall keep an accurate
21 and detailed account of fees received and paid to the
22 treasurer of state.

23 Sec. 12. Section 260.11, Code 1989, is amended by
24 striking the section and inserting in lieu thereof the
25 following:

26 260.11 EXPENDITURES AND REFUNDS.

27 Expenditures and refunds made by the board under
28 this chapter shall be certified by the executive
29 director of the board to the director of revenue and
30 finance, and if found correct, the director of revenue
31 and finance shall approve the expenditures and refunds
32 and draw warrants upon the treasurer of state from the

33 funds appropriated for that purpose.

34 Sec. 13. Section 260.12, Code 1989, is amended by
35 striking the section and inserting in lieu thereof the
36 following:

37 260.12 HEARING PROCEDURES.

38 Hearings before the board shall be conducted in the
39 same manner as contested cases under chapter 17A. The
40 board may subpoena books, papers, records, and any
41 other real evidence necessary for the board to decide
42 whether it should institute a contested case hearing.
43 At the hearing the board may administer oaths and
44 issue subpoenas to compel the attendance of witnesses
45 and the production of other evidence. Subpoenas may
46 be issued by the board to a party to a hearing, if the
47 party demonstrates that the evidence or witnesses'
48 testimony is relevant and material to the hearing.
49 Service of process and subpoenas for board hearings
50 shall be conducted in accordance with the law

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1 applicable to the service of process and subpoenas in
2 civil actions.

3 Witnesses subpoenaed to appear before the board
4 shall be reimbursed for mileage and necessary expenses
5 and shall receive per diem compensation by the board,
6 unless the witness is an employee of the state or a
7 political subdivision, in which case the witness shall
8 receive reimbursement only for mileage and necessary
9 expenses.

10 Sec. 14. Section 260.25, unnumbered paragraph 1,
11 and subsections 1 and 5 through 9, Code 1989, are
12 amended to read as follows:

13 Not later than January 1, ~~1990~~ 1991, the ~~board of~~
14 ~~educational examiners~~ state board of education shall
15 adopt rules pursuant to chapter 17A to implement the
16 following for approved ~~teacher education practitioner~~
17 preparation programs:

18 1. A requirement that each student admitted to an
19 approved ~~teacher education practitioner preparation~~
20 program must participate in field experiences that
21 include both observation and participation in teaching
22 activities in a variety of school settings. These
23 field experiences shall comprise a total of at least
24 fifty hours' duration, at least forty hours of which
25 shall occur after a student's admission to an approved
26 ~~teacher education practitioner preparation~~ program.
27 The student teaching experience shall be a minimum of
28 twelve weeks in duration during the student's final
29 year of the ~~teacher education practitioner preparation~~

30 program.

31 5. A requirement that each approved ~~teacher~~
32 ~~education practitioner preparation or professional~~
33 ~~development~~ institution annually offer a workshop of
34 at least one day in duration for prospective
35 cooperating teachers. The workshop shall define the
36 objectives of the student teaching experience, review
37 the responsibilities of the cooperating teacher, and
38 provide the cooperating teacher other information and
39 assistance the institution deems necessary.

40 6. A requirement that ~~teacher education~~
41 ~~practitioner preparation~~ students receive instruction
42 in the use of electronic technology for classroom and
43 instructional purposes.

44 7. A requirement that approved ~~teacher education~~
45 ~~practitioner preparation~~ institutions annually solicit
46 the views of the education community regarding the
47 institution's ~~teacher education practitioner~~
48 ~~preparation~~ programs.

49 8. A requirement that an approved ~~teacher~~
50 ~~education practitioner preparation~~ institution submit

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1 evidence that the college or department of education
2 is communicating with other colleges or departments in
3 the institution so that ~~teacher education practitioner~~
4 ~~preparation~~ students may integrate teaching
5 methodology with subject matter areas of
6 specialization.

7 9. A requirement that an approved ~~teacher~~
8 ~~education practitioner preparation~~ program submit
9 evidence that the evaluation of the performance of a
10 student teacher is a cooperative process that involves
11 both the faculty member supervising the student
12 teacher and the cooperating teacher. The rules shall
13 require that each institution develop a written
14 evaluation procedure for use by the cooperating
15 teacher and a form for evaluating student teachers,
16 and require that a copy of the completed form be
17 included in the student teacher's permanent record.

18 Sec. 15. Section 260.31, subsection 1, unnumbered
19 paragraph 1, Code 1989, is amended to read as follows:

20 The minimum requirements for the board to award a
21 coaching ~~authorization license~~ to an applicant are:

22 Sec. 16. Section 260.31, subsection 2, Code 1989,
23 is amended to read as follows:

24 2. The board of educational examiners shall adopt
25 rules under chapter 17A for coaching ~~authorizations~~
26 ~~licenses~~ including, but not limited to, approval of

27 courses, validity and expiration, fees, and suspension
 28 and revocation of ~~authorizations~~ licenses. The
 29 ~~director of the department state board~~ of education
 30 shall work with institutions of higher education,
 31 private colleges and universities, merged area
 32 schools, and area education agencies to ~~insure~~ ensure
 33 that the courses required under subsection 1 are
 34 offered throughout the state at convenient times and
 35 at a reasonable cost.

36 Sec. 17. Section 260.33, Code 1989, is amended to
 37 read as follows:

38 260.33 EVALUATOR APPROVAL LICENSE.

39 Effective July 1, 1990, in addition to ~~endorsements~~
 40 licenses required under rules adopted pursuant to this
 41 chapter, an individual employed as an administrator,
 42 supervisor, school service person, or teacher by a
 43 school district, area education agency, or area
 44 school, who conducts evaluations of the performance of
 45 individuals holding ~~certificates~~ licenses under this
 46 chapter, shall possess an evaluator ~~approval~~ license.

47 By July 1, ~~1987~~ 1990, the board of educational
 48 examiners shall adopt rules establishing requirements
 49 for an evaluator ~~approval~~ license including but not
 50 limited to ~~approval of courses~~, renewal requirements,

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1 fees, and suspension and revocation of evaluator
 2 ~~approvals~~ licenses. An approved program shall include
 3 provisions for determining that an applicant for
 4 evaluator ~~approval~~ license has satisfactorily
 5 completed the program. The ~~board of educational~~
 6 ~~examiners state board of education~~ shall work with
 7 institutions of higher education under the state board
 8 of regents, private colleges and universities, merged
 9 area schools, and area education agencies to ~~insure~~
 10 ensure that the courses required under subsection 1
 11 are offered throughout the state at convenient times
 12 and at reasonable cost. The requirements shall
 13 include completion of a program approved by the ~~board~~
 14 ~~of educational examiners state board of education~~ as
 15 follows:

16 1. For evaluation of teachers, the development of
 17 skills including but not limited to analysis of lesson
 18 plans, classroom observation, analysis of data,
 19 performance improvement strategies, and communication
 20 skills.

21 2. For evaluation of ~~certificated~~ licensed
 22 employees other than teachers, the development of
 23 skills including but not limited to communication

24 skills, analysis of employee performance, analysis of
25 data, and performance improvement strategies.

26 ~~An evaluator approval~~ A license is valid for a
27 period of five years from its issuance.

28 Sec. 18. Section 260.34, Code 1989, is amended to
29 read as follows:

30 260.34 ELEMENTARY ENDORSEMENTS LICENSES.

31 The board of educational examiners in conjunction
32 with the child development coordinating council, or
33 other similar agency, shall develop appropriate
34 ~~endorsements~~ licenses for teachers in the early
35 elementary grades, taking into consideration
36 recommendations from the child development
37 coordinating council or other similar agency, the
38 center for early development education, and teacher
39 education personnel.

40 Sec. 19. Section 256.7, subsection 3, Code 1989,
41 is amended by striking the subsection and inserting in
42 lieu thereof the following:

43 3. Prescribe standards and procedures for the
44 approval of practitioner preparation programs and
45 professional development programs, offered by
46 practitioner preparation institutions and area
47 education agencies, in this state. Procedures
48 provided for approval of programs shall include
49 procedures for enforcement of the prescribed standards
50 and shall not include a procedure for the waiving of

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1 any of the standards prescribed.

2 Sec. 20. Section 256.7, subsection 9, unnumbered
3 paragraphs 1, 2, and 3, Code 1989, are amended to read
4 as follows:

5 Adopt rules under chapter 17A for the use of
6 telecommunications as an instructional tool for
7 students enrolled in kindergarten through grade twelve
8 and served by local school districts, accredited or
9 approved nonpublic schools, area education agencies,
10 merged area schools, institutions of higher education
11 under the state board of regents, and independent
12 colleges and universities in elementary and secondary
13 school classes and courses. The rules shall include
14 but need not be limited to rules relating to programs,
15 educational policy, instructional practices, staff
16 development, use of pilot projects, curriculum
17 monitoring, and the accessibility of ~~certificated~~
18 licensed teachers.

19 When curriculum is provided by means of
20 telecommunications, it shall be taught by a

21 ~~certificated an appropriately licensed~~ teacher ~~who is~~
 22 ~~properly endorsed or approved~~. The teacher shall
 23 either be present in the classroom, or be present at
 24 the location at which the curriculum delivered by
 25 means of telecommunications originates.

26 The rules shall provide that when the curriculum is
 27 taught by a ~~certificated and properly endorsed or~~
 28 ~~approved an appropriately licensed~~ teacher at the
 29 location at which the telecommunications originates,
 30 the curriculum received shall be under the supervision
 31 of a ~~certificated licensed~~ teacher. For the purposes
 32 of this subsection, "supervision" means that the
 33 curriculum is monitored by a ~~certificated licensed~~
 34 teacher and the ~~certificated~~ teacher is accessible to
 35 the students receiving the curriculum by means of
 36 telecommunications.

37 Sec. 21. Section 256.7, subsections 10 and 11,
 38 Code 1989, are amended to read as follows:

39 10. Rules adopted under this section shall provide
 40 that telecommunications shall not be used by school
 41 districts as the exclusive means to provide any course
 42 which is required by the minimum educational standards
 43 for ~~approval or~~ accreditation.

44 11. Develop evaluation procedures that will
 45 measure the effects of instruction by means of
 46 telecommunications on student achievement,
 47 socialization, intellectual growth, motivation, and
 48 other related factors deemed relevant by the state
 49 board, for the development of an educational data
 50 base. The state board shall consult with the state

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1 board of regents and the ~~teacher education~~
 2 ~~practitioner preparation~~ departments at its
 3 institutions, other ~~approved teacher education~~
 4 ~~practitioner preparation~~ departments located within
 5 private colleges and universities, educational
 6 research agencies or facilities, and other agencies
 7 deemed appropriate by the state board, in developing
 8 these procedures.

9 Sec. 22. Section 256.7, Code 1989, is amended by
 10 adding the following new subsection:

11 **NEW SUBSECTION.** 13. Not later than January 1,
 12 1991, adopt rules under chapter 17A for alternative
 13 training programs for persons who hold a temporary
 14 substitute teaching license issued under chapter 260.
 15 Rules adopted shall provide that alternative training
 16 programs be offered by approved practitioner
 17 preparation programs. Rules adopted shall also

18 provide that alternative training programs include an
19 evaluation, conducted by an appropriately licensed
20 practitioner who is not an employee of the school
21 corporation participating in the alternative training
22 program, of the performance of a person who holds a
23 temporary substitute teaching license and is employed
24 by a school corporation and that satisfactory
25 completion of the evaluation be a condition precedent
26 to obtaining a standard license under chapter 260.

27 Sec. 23. Section 256.11, subsections 1 and 2, Code
28 1989, are amended to read as follows:

29 1. If a school offers a prekindergarten program,
30 the program shall be designed to help children to work
31 and play with others, to express themselves, to learn
32 to use and manage their bodies, and to extend their
33 interests and understanding of the world about them.
34 The prekindergarten program shall relate the role of
35 the family to the child's developing sense of self and
36 perception of others. Planning and carrying out
37 prekindergarten activities designed to encourage
38 cooperative efforts between home and school shall
39 focus on community resources. A prekindergarten
40 teacher shall hold a ~~certificate license~~ certifying
41 that the holder is qualified to teach in
42 prekindergarten. A nonpublic school which offers only
43 a prekindergarten may, but is not required to, seek
44 and obtain accreditation.

45 2. The kindergarten program shall include
46 experiences designed to develop healthy emotional and
47 social habits and growth in the language arts and
48 communication skills, as well as a capacity for the
49 completion of individual tasks, and protect and
50 increase physical well-being with attention given to

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1 experiences relating to the development of life skills
2 and human growth and development. A kindergarten
3 teacher shall be ~~certificated~~ licensed to teach in
4 kindergarten. An accredited nonpublic school must
5 meet the requirements of this subsection only if the
6 nonpublic school offers a kindergarten program.

7 Sec. 24. Section 256.11, subsection 5, paragraph
8 f, Code 1989, is amended to read as follows:

9 f. Four sequential units of one foreign language.
10 The department may waive the third and fourth years of
11 the foreign language requirement on an annual basis
12 upon the request of the board of directors of a school
13 district or the authorities in charge of a nonpublic
14 school if the board or authorities are able to prove

15 that a ~~certificated~~ licensed teacher was employed and
 16 assigned a schedule that would have allowed students
 17 to enroll in a foreign language class, the foreign
 18 language class was properly scheduled, students were
 19 aware that a foreign language class was scheduled, and
 20 no students enrolled in the class.

21 Sec. 25. Section 256.11, subsection 9, paragraph
 22 b, Code 1989, is amended to read as follows:

23 b. Effective July 1, 1990, unless a waiver has
 24 been obtained under section 256.11A, each school or
 25 school district shall have a qualified school media
 26 specialist who shall meet the ~~certification and~~
 27 ~~approval licensing~~ standards prescribed by the
 28 ~~department board of educational examiners~~ and shall be
 29 responsible for supervision of the media centers.
 30 Each school or school district shall establish a media
 31 center, in each attendance center, which shall be
 32 accessible to students throughout the school day.

33 Sec. 26. Section 256.11, subsection 9A, Code 1989,
 34 is amended to read as follows:

35 9A. Each school or school district shall provide
 36 an articulated sequential guidance program for grades
 37 kindergarten through twelve. Until July 1, 1991, a
 38 school or school district may obtain a waiver from
 39 meeting the requirements of this subsection pursuant
 40 to section 256.11A. The guidance counselor shall meet
 41 the ~~certification and approval licensing~~ standards of
 42 the ~~department board of educational examiners~~.

43 Sec. 27. Section 256.16, Code 1989, is amended to
 44 read as follows:

45 256.16 SPECIFIC CRITERIA FOR TEACHER PREPARATION
 46 AND CERTAIN EDUCATORS.

47 Pursuant to section 256.7, subsection 5, the state
 48 board shall adopt rules requiring all ~~approved teacher~~
 49 ~~training institutions~~ higher education institutions
 50 providing practitioner preparation to include in the

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1 professional education program, preparation that
 2 contributes to education of the handicapped and the
 3 gifted and talented, which must be successfully
 4 completed before graduation from the ~~teacher training~~
 5 practitioner preparation program.

6 A person initially applying for a ~~certificate,~~
 7 ~~endorsement, or approval license~~ shall successfully
 8 complete a professional education program containing
 9 the subject matter specified in this section, before
 10 the initial action by the ~~department board of~~
 11 educational examiners takes place.

12 Sec. 28. Section 256.17, unnumbered paragraph 1,
13 Code 1989, is amended to read as follows:

14 The state board shall review the standards
15 contained in section 256.11, shall review current
16 literature relating to effective schools and learning
17 environments, and shall consult with representatives
18 from the higher education institutions, the board of
19 educational examiners, area education agencies, school
20 board members, school administrators, teachers,
21 parents, students, members of business, industry, and
22 labor, other governmental agencies, associations
23 interested in education, and representatives of
24 communities of various sizes to develop standards for
25 accredited schools and school districts that
26 encompass, but are not limited to the following
27 general areas:

28 Sec. 29. Section 256.17, subsection 5, Code 1989,
29 is amended to read as follows:

30 5. A performance evaluation process for its
31 ~~certificated staff~~ licensed practitioners using staff
32 members who possess an evaluator approval license
33 ~~under section 260.33~~ rules adopted by the board of
34 educational examiners.

35 Sec. 30. Section 258.3A, subsection 3, Code 1989,
36 is amended to read as follows:

37 3. Adopt rules prescribing standards for approval
38 of schools, departments, and classes; area vocational-
39 technical high schools and programs; ~~and area~~
40 vocational schools and programs; ~~and teacher training~~
41 practitioner preparation schools, departments, and
42 classes, applying for federal and state moneys under
43 this chapter.

44 Sec. 31. Section 258.4, subsections 5, 6, and 7,
45 Code 1989, are amended to read as follows:

46 5. ~~Enforce~~ Make recommendations to the board of
47 educational examiners relating to the enforcement of
48 rules prescribing standards for teachers of subjects
49 listed in subsection 2 in ~~approved~~ accredited schools,
50 departments, and classes.

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1 6. Co-operate in the maintenance of ~~teachers~~
2 training practitioner preparation schools,
3 departments, and classes, supported and controlled by
4 the public, for the training of teachers and
5 supervisors of subjects listed in subsection 2.

6 7. Annually inspect, as a basis of approval, all
7 schools, departments, and classes, area vocational-

8 technical high schools and programs, area vocational
 9 schools and programs and all ~~teachers training~~
 10 practitioner preparation schools, departments, and
 11 classes, applying for federal and state moneys under
 12 ~~the provisions~~ of this chapter.

13 Sec. 32. Section 258.5, Code 1989, is amended to
 14 read as follows:

15 258.5 FEDERAL AID -- CONDITIONS.

16 ~~Whenever~~ If a school corporation maintains an
 17 approved vocational school, department, or classes in
 18 accordance with the rules adopted by the state board,
 19 and rules and standards adopted by the board of
 20 educational examiners, and the state plan for
 21 vocational education, adopted by ~~that~~ the board for
 22 vocational education and approved by the United States
 23 department of education, the director of the
 24 department of education shall reimburse the school
 25 corporation at the end of the fiscal year for its
 26 expenditures for salaries and authorized travel of
 27 vocational teachers from federal and state funds.
 28 However, a school corporation shall not receive from
 29 federal and state funds a larger amount than one-half
 30 the sum which has been expended by the school
 31 corporation for that particular type of program. If
 32 federal and state funds are not sufficient to make the
 33 reimbursement to the extent provided in this section,
 34 the director shall prorate the respective amounts
 35 available to the corporations entitled to
 36 reimbursement.

37 The director may use federal funds to reimburse
 38 approved ~~teacher training~~ practitioner preparation
 39 schools, departments, or classes for the training of
 40 teachers of agriculture, home economics, trades and
 41 industrial education, distributive education, and for
 42 the training of guidance counselors.

43 Sec. 33. Section 258.6, Code 1989, is amended to
 44 read as follows:

45 258.6 DEFINITIONS.

46 "Approved school, department, or class" ~~shall mean~~
 47 means a school, department, or class approved by ~~said~~
 48 the board as entitled under ~~the provisions~~ of this
 49 chapter to federal and state moneys for the salaries
 50 and authorized travel of teachers of vocational

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1 subjects. "Approved ~~teachers training~~ practitioner
 2 preparation school, department, or class" ~~shall mean~~
 3 means a school, department, or class approved by the
 4 board as entitled under ~~the provisions~~ of this chapter

5 to federal moneys for the training of teachers of
6 vocational subjects.

7 Sec. 34. Section 273.3, subsections 5 and 11, Code
8 1989, are amended to read as follows:

9 5. Be authorized, subject to rules ~~and regulations~~
10 of the state board of education, to provide directly
11 or by contractual arrangement with public or private
12 agencies for special education programs and services,
13 media services, and educational programs and services
14 requested by the local boards of education as provided
15 in this chapter, including but not limited to
16 contracts for the area education agency to provide
17 programs or services to the local school districts and
18 contracts for local school districts, other
19 educational agencies, and public and private agencies
20 to provide programs and services to the local school
21 districts in the area education agency in lieu of the
22 area education agency providing the services.
23 Contracts may be made with public or private agencies
24 located outside the state if the programs and services
25 comply with the rules of the state board. Rules
26 adopted by the state board of education shall be
27 consistent with rules, adopted by the board of
28 educational examiners, relating to licensing of
29 practitioners.

30 11. Employ personnel to carry out the functions of
31 the area education agency which shall include the
32 employment of an administrator who shall possess a
33 ~~certificate license~~ issued under ~~section 260.9 chapter~~
34 ~~260~~. The administrator shall be employed pursuant to
35 section 279.20 and sections 279.23, 279.24 and 279.25.
36 The salary for an area education agency administrator
37 shall be established by the board based upon the
38 previous experience and education of the
39 administrator. ~~The provisions of section~~ Section
40 ~~279.13 shall apply~~ applies to the area education
41 agency board and to all teachers employed by the area
42 education agency. ~~The provisions of sections~~ Sections
43 ~~279.23, 279.24 and 279.25 shall apply~~ to the area
44 education board and to all administrators employed by
45 the area education agency.

46 Sec. 35. Section 279.19B, Code 1989, is amended to
47 read as follows:

48 279.19B COACHING ENDORSEMENT AND AUTHORIZATION.

49 The board of directors of a school district shall
50 offer an extracurricular contract for varsity head

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1 coach of the interscholastic athletic activities of
 2 football, basketball, track not including cross-
 3 country, baseball, softball, volleyball, gymnastics,
 4 hockey, and wrestling only to an individual possessing
 5 a teaching ~~certificate~~ license with a coaching
 6 endorsement issued pursuant to chapter 260.

7 The board of directors of a school district may
 8 employ for head coach of other interscholastic
 9 athletic activities or for assistant coach of any
 10 interscholastic athletic activity, an individual who
 11 possesses a coaching authorization issued by the
 12 ~~department of education~~ board of educational
 13 examiners. An individual who has been issued a
 14 coaching authorization or who possesses a teaching
 15 ~~certificate~~ license with a coaching endorsement but is
 16 not issued a teaching contract under section 279.13
 17 and who is employed by the board of directors of a
 18 school district serves at the pleasure of the board of
 19 directors and is not subject to sections 279.13
 20 through 279.19, and 279.27. ~~Chapter 272A and~~
 21 subsection Subsection 1 of section 279.19A apply
 22 applies to coaching authorizations.

23 Sec. 36. Section 282.3, subsection 2, unnumbered
 24 paragraph 2, Code 1989, is amended to read as follows:
 25 ~~No A~~ child under the age of six years on the
 26 fifteenth of September of the current school year
 27 shall not be admitted to ~~any a~~ public school unless
 28 the board of directors of the school ~~shall have~~ has
 29 adopted and put into effect courses of study for the
 30 school year immediately preceding the first grade,
 31 approved by the department of education, and ~~shall~~
 32 have has employed a ~~teacher or teachers~~ practitioner
 33 or practitioners for this work with standards of
 34 training approved by the ~~department of education~~ board
 35 of educational examiners.

36 Sec. 37. Section 294.3, Code 1989, is amended to
 37 read as follows:

38 294.3 STATE AID AND TUITION.

39 ~~No A~~ school shall not be deprived of its right to
 40 be approved for state aid or approved for tuition by
 41 reason of the employment of any ~~teacher~~ practitioner
 42 as authorized under section ~~294.2~~ 260.9.

43 Sec. 38. Section 294A.2, subsections 3, 4, and 5,
 44 Code 1989, are amended to read as follows:

45 3. "General training requirements" means
 46 requirements prescribed by a board of directors that
 47 provide for the acquisition of additional semester
 48 hours of graduate credit from an institution of higher

49 education approved by the ~~board of educational~~
50 ~~examiners state board of education~~ or the completion

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1 of staff development activities ~~approved~~ licensed by
2 the ~~department of education board of educational~~
3 ~~examiners, except for programs developed by~~
4 ~~practitioner preparation institutions~~, for renewal of
5 ~~certificates licenses~~ issued under chapter 260.

6 4. "Specialized training requirements" means
7 requirements prescribed by a board of directors to
8 meet specific needs of the school district identified
9 by the board of directors that provide for the
10 acquisition of clearly defined skills through formal
11 or informal education that are beyond the requirements
12 necessary for initial ~~certification~~ licensing under
13 chapter 260.

14 5. "Teacher" means an individual holding a
15 ~~teaching certificate~~ practitioner's license issued
16 under chapter 260, ~~letter of authorization, or a~~
17 ~~statement of professional recognition~~ issued by the
18 board of educational examiners, who is employed in a
19 nonadministrative position by a school district or
20 area education agency pursuant to a contract issued by
21 a board of directors under section 279.13. A teacher
22 may be employed in both an administrative and a
23 nonadministrative position by a board of directors and
24 shall be considered a part-time teacher for the
25 portion of time that the teacher is employed in a
26 nonadministrative position.

27 Effective July 1, 1988, "teacher" includes an
28 individual employed on less than a full-time basis by
29 a school district through a contract between the
30 school district and an institution of higher education
31 with ~~an approved teacher education a practitioner~~
32 ~~preparation program~~ in which the teacher is enrolled
33 in a graduate ~~teacher education practitioner~~
34 preparation program.

35 Sec. 39. Section 321.180, subsection 1, Code 1989,
36 is amended to read as follows:

37 1. A person who is at least fourteen years of age
38 and who, except for the person's lack of instructions
39 in operating a motor vehicle, would be qualified to
40 obtain an operator's license, shall, upon meeting the
41 requirements of section 321.186 other than a driving
42 demonstration, and upon paying the required fee, be
43 issued a temporary instruction permit by the
44 department. Subject to the limitations in this
45 subsection, a temporary instruction permit entitles

46 the permittee, while having the permit in the
 47 permittee's immediate possession, to drive a motor
 48 vehicle upon the highways for a period of two years
 49 from the date of issuance. The permittee must be
 50 accompanied by a licensed operator or chauffeur who is

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1 at least eighteen years of age, who is an approved
 2 driver education instructor, or who is a prospective
 3 driver education instructor enrolled in and
 4 specifically designated by a ~~teacher education~~
 5 ~~institution practitioner preparation program~~ with a
 6 safety education program approved by the ~~department~~
 7 state board of education, and who is actually
 8 occupying a seat beside the driver. The temporary
 9 instruction permit issued to a person who is less than
 10 sixteen years of age entitles the permittee to drive a
 11 motor vehicle upon the highways only when accompanied
 12 by a licensed operator or chauffeur who is the parent
 13 or guardian of the permittee, an approved driver
 14 education instructor, a prospective driver education
 15 instructor who is enrolled in and has been
 16 specifically designated by a ~~teacher education~~
 17 ~~institution practitioner preparation program~~ with a
 18 safety education program approved by the ~~department~~
 19 state board of education, or a person who is twenty-
 20 five years of age or more if written permission is
 21 granted by the parent or guardian, and who is actually
 22 occupying a seat beside the driver.

23 Sec. 40. Sections 232.69, 256.18, 256.19, 256.30,
 24 261.51, 262.9, 275.56, 275.59, 279.12, 279.13,
 25 279.19A, 279.49, 294A.9, 294A.10, 294A.15, 294A.24,
 26 294A.25, and 808A.1, Code 1989, are amended by
 27 striking the words "certificated" and
 28 "noncertificated" and inserting in lieu thereof the
 29 word "licensed" or "unlicensed".

30 Sec. 41. Sections 261.45, 281.2, and 299.1, Code
 31 1989, are amended by striking the word "certified" and
 32 inserting in lieu thereof the word "licensed".

33 Sec. 42. Sections 261.51, 261.52, and 279.19B,
 34 Code 1989, are amended by striking the words
 35 "certificate" and "certificates" and inserting in lieu
 36 thereof the word "license" or "licenses".

37 Sec. 43. REPEALS. Sections 256.31, 260.12,
 38 260.14, 260.15, 260.19, 260.20, 260.21, 260.23,
 39 260.27, 260.28, and 294.2, and chapter 272A, Code
 40 1989, are repealed.

41 Sec. 44. USE OF FUNDS. Funds appropriated to the
 42 department of education for the purpose of operating

43 advisory committees for certification shall be made
44 available by the department for use by the board of
45 educational examiners created under this Act. Staff,
46 office equipment and materials, records, and other
47 assets currently held by the department for the
48 purpose of carrying out the state board of education's
49 duties as the board of educational examiners shall
50 also be made available for use by the board created

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1 under this Act. Professional and nonprofessional
2 staff employed on the effective date of this Act whose
3 duties involve certification of practitioners shall be
4 reassigned as employees of the department of education
5 under the direction of the board created under this
6 Act. However, the number of full-time equivalent
7 positions currently assigned to duties involving the
8 certification of practitioners shall not be reduced
9 below the level maintained by the department as of
10 January 1, 1989, for the board's operation after the
11 effective date of this Act.”

RICHARD VARN

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 703

S-4136

1 Amend the amendment, H-4436, to House File 703, 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, by inserting before line 7, the
7 following:
8 “Sec. —. Section 15.282, Code 1989, is amended
9 to read as follows:
10 15.282 PURPOSE.
11 The purpose of this part is to assist communities
12 and rural areas of the state with their development
13 and governmental responsibilities by providing low-
14 interest and no-interest loans or grants for
15 traditional infrastructure, new infrastructure, and
16 housing.”

- 17 2. Page 1, by striking lines 3 through 9.
- 18 3. Page 1, by inserting before line 16, the
- 19 following:
- 20 "____. Page 1, by inserting before line 25, the
- 21 following:
- 22 "Sec. ____ . Section 15.284, subsection 2,
- 23 unnumbered paragraph 1, Code 1989, is amended to read
- 24 as follows:
- 25 Any Iowa city or county is eligible to apply for
- 26 loans or grants from this category. Along with the
- 27 application, the city or county shall submit the
- 28 following:
- 29 Sec. ____ . Section 15.284, subsection 5, Code 1989,
- 30 is amended to read as follows:
- 31 5. The interest rate ~~shall for a loan, if~~
- 32 assessed, may range from zero to five percent. The
- 33 department may charge applicants an administration
- 34 fee, not to exceed one percent of the principal amount
- 35 of the loan or grant, to be paid as a lump sum ~~percent~~
- 36 or a percent of the interest rate.
- 37 Sec. ____ . Section 15.285, subsection 2, Code 1989,
- 38 is amended to read as follows:
- 39 2. Any political subdivision, or nonprofit
- 40 development corporation, is eligible to apply for
- 41 loans or grants under this category.
- 42 Sec. ____ . Section 15.285, subsection 5, Code 1989,
- 43 is amended to read as follows:
- 44 5. The interest rate ~~shall for a loan, if~~
- 45 assessed, may range from zero to five percent. The
- 46 department may charge applicants an administration
- 47 fee, not to exceed one percent of the principal amount
- 48 of the loan or grant, to be paid as a lump sum percent
- 49 or a percent of the interest rate.
- 50 Sec. ____ . Section 15.285, Code 1989, is amended by

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- 1 adding the following new subsection:
- 2 **NEW SUBSECTION. 6.** The new infrastructure
- 3 category shall include new infrastructure systems or
- 4 networks of the state of Iowa, its agencies or
- 5 instrumentalities which the governor, by executive
- 6 order, finds and determines will provide local
- 7 communities with the benefits of new infrastructure.
- 8 Proceeds of bonds issued to fund costs of state new
- 9 infrastructure shall not be considered moneys
- 10 available under the program for purposes of the
- 11 allocation under subsection (4) of section 15.283.
- 12 Subsections (2), (3), and (5) of this section are not
- 13 applicable to state new infrastructure.

14 Sec. ____ . Section 15.286, subsection 1, unnumbered
15 paragraph 1, Code 1989, is amended to read as follows:

16 Any Iowa city, county, housing agency, or developer
17 shall be eligible to apply for loans or grants under
18 this category. Along with the application the person
19 shall submit the following:”

20 4. Page 1, by striking lines 18 through 24 and
21 inserting the following:

22 “Sec. ____ . Section 15.286, subsection 2, as
23 amended by 1989 Iowa Acts, Senate File 112, section 8,
24 is amended to read as follows:

25 2. Applicants must be seeking funds to assist in
26 meeting the area needs of ~~low~~ lower and ~~moderate~~ very
27 low income ~~persons~~ families in pursuit of decent
28 housing or in meeting the purposes of the housing
29 trust fund program as described in section 220.100,
30 subsection 2.”

31 5. Page 1, by striking lines 38 through 42 and
32 inserting the following:

33 “Sec. ____ . Section 15.286, subsection 4, paragraph
34 b, subparagraph (3), as amended by 1989 Iowa Acts,
35 Senate File 112, section 9, is amended to read as
36 follows:

37 (3) ~~A program~~ Programs to assist ~~low income~~
38 ~~persons and lower income~~, the disadvantaged, or the
39 disabled.”

40 6. Page 2, by inserting before line 2, the
41 following:

42 “____ . Page 2, by inserting before line 7, the
43 following:

44 “Sec. ____ . Section 15.286, subsection 5, Code
45 1989, is amended to read as follows:

46 5. Interest charged to applicants ~~shall for a~~
47 loan, may range from zero to five percent. The Iowa
48 finance authority may charge applicants an
49 administration fee, not to exceed one percent of the
50 principal amount of the loan or grant, to be paid as a

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1 lump sum percent, ~~or a percent of the interest rate.~~”

2 7. Page 2, by inserting before line 15, the
3 following:

4 “____ . Page 2, by inserting before line 7, the
5 following:

6 “Sec. ____ . Section 15.287, Code 1989, is amended
7 to read as follows:

8 15.287 REVOLVING FUND.

9 The Iowa finance authority shall establish a
10 revolving fund for the program and shall transfer to

11 the department moneys to be administered by the
 12 department. The moneys in the revolving fund are
 13 appropriated for purposes of the program.
 14 Notwithstanding section 8.33, moneys in the fund at
 15 the end of a fiscal year shall not revert to any other
 16 fund but shall remain in the revolving fund. The fund
 17 shall consist of all appropriations, grants, or gifts
 18 received by the authority or the department
 19 specifically for use under this part; revenues
 20 designated in section 98.35* to be deposited in the
 21 fund; and all repayments of loans or grants made under
 22 this part.”

23 8. Page 2, line 23, by inserting after the word
 24 “loans” the following: “or grants”.

25 9. Page 2, line 25, by inserting after the word
 26 “loans” the following: “or grants”.

27 10. Page 2, line 27, by striking the word “loan”
 28 and inserting the following: “loan”.

29 11. Page 2, by inserting after line 35, the
 30 following:

31 “___ . By striking page 2, line 35 through page 3,
 32 line 18, and inserting the following:

33 “Sec. ___ . NEW SECTION. 220.134 RURAL COMMUNITY
 34 2000 FINANCING PROGRAM -- DEFINITIONS FUNDING -- BONDS
 35 AND NOTES.

36 1. The authority shall cooperate with the
 37 department of economic development in the creation,
 38 administration, and financing of the rural community
 39 2000 financing program established in sections 15.281
 40 through 15.287.

41 2. Terms used in this part have the meanings given
 42 them in sections 15.281 through 15.287 unless the
 43 context requires otherwise.

44 3. The authority may issue its bonds and notes for
 45 the purpose of funding the revolving fund created
 46 under section 15.287 and for the purpose of refunding
 47 any of its bond or notes issued for purposes under
 48 this section.

49 4. The authority may enter into one or more
 50 lending agreements or purchase agreements with one or

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- 1 more bondholders or noteholders containing the terms
- 2 and conditions of the repayment of and the security
- 3 for the bonds or notes. The authority and the
- 4 bondholders or noteholders or a trustee agent
- 5 designated by the authority may enter into agreements
- 6 to provide for any of the following:
- 7 a. That the proceeds of the bonds and notes and

8 the investments of the proceeds may be received, held,
9 and disbursed by the authority or by a trustee or
10 agent designated by the authority.

11 b. That the bondholders or noteholders or a
12 trustee or agent designated by the authority may
13 collect, invest, and apply the amount payable under
14 the loan agreements or any other instruments securing
15 the debt obligations under the loan agreements.

16 c. That the bondholders or noteholders may enforce
17 the remedies provided in the loan agreements or other
18 instruments on their own behalf without the
19 appointment or designation of a trustee. If there is
20 a default in the principal of or interest on the bonds
21 or notes or in the performance of any agreement
22 contained in the loan agreements or other instruments,
23 the payment or performance may be enforced in
24 accordance with the loan agreement or other
25 instrument.

26 d. Other terms and conditions as deemed necessary
27 or appropriate by the authority.

28 5. The powers granted the authority under this
29 section are in addition to other powers contained in
30 this chapter. All other provisions of this chapter,
31 except section 220.28, subsection 4, apply to bonds or
32 notes issued and powers granted to the authority under
33 this section, except to the extent they are
34 inconsistent with this section.

35 Sec. ____ . **NEW SECTION. 220.135 SECURITY --**
36 **RESERVE FUNDS -- PLEDGES -- NONLIABILITY --IRREVOCABLE**
37 **CONTRACTS.**

38 1. The authority shall provide in the resolution,
39 trust agreement, or other instrument authorizing the
40 issuance of its bonds or notes pursuant to section
41 220.134 that the principal of, premium, and interest
42 on the bonds or notes are payable solely out of the
43 pledged receipts as designated in the resolution,
44 trust agreement, or other instrument authorizing the
45 issuance of the bonds. Except for those tax revenues
46 deposited in the revolving loan fund created under
47 section 15.287, the state shall not appropriate tax
48 revenues, directly or indirectly, to the authority for
49 the payment of its bonds, notes, or obligations issued
50 under section 220.134.

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1 For purposes of this section, unless the context
2 otherwise requires: "pledged receipt" means the
3 revenues and receipts received or to be received by
4 the authority from grants, gifts, or payments on

5 guarantees made to the authority by any person, from
6 accrued interest received from the sale of
7 obligations, from income from the investment of
8 special funds of the authority, including the
9 revolving fund established under section 15.287, from
10 the revenues and receipts deposited in the revolving
11 fund established under section 15.287, and from any
12 other moneys which are available for the payment of
13 principal, premium, if any, or interest on the bonds,
14 notes, or other obligation issued under section
15 220.134.

16 2. The authority may establish reserve funds to
17 secure one or more issues of its bonds or notes. The
18 authority may deposit in a reserve fund established
19 under this subsection proceeds of the sale of its
20 bonds or notes and other money which is made available
21 from any other source.

22 3. It is the intention of the general assembly
23 that a pledge made in respect of bonds or notes shall
24 be valid and binding from the time the pledge is made,
25 that the money or property so pledged and received
26 after the pledge by the authority shall immediately be
27 subject to the lien of the pledge without physical
28 delivery or further act, and that the lien of the
29 pledge shall be valid and binding as against all
30 parties having claims of any kind in tort, contract,
31 or otherwise against the authority, whether or not the
32 parties have notice of the lien. The resolution,
33 trust agreement, or any other instrument by which a
34 pledge is created does not need to be recorded or
35 filed under the uniform commercial code, chapter 554,
36 to be valid, binding, or effective against the
37 parties.

38 4. Neither the members of the authority nor
39 persons executing the bonds or notes are liable
40 personally on the bonds or notes or are subject to
41 personal liability or accountability by reason of the
42 issuance of the bonds or notes.

43 5. The bonds or notes issued by the authority are
44 not an indebtedness or other liability of the state or
45 of a political subdivision of the state within the
46 meaning of any constitutional or statutory debt
47 limitations but are special obligations of the
48 authority, and are payable solely out of pledged
49 receipts to the extent that the pledged receipts are
50 designated in the resolution, trust agreement, or

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1 other instrument of the authority authorizing the
2 issuance of the bonds or notes as being available as
3 security for such bonds or notes. The authority shall
4 not pledge the faith or credit of the state or of a
5 political subdivision of the state to the payment of
6 any bonds or notes. The issuance of any bonds or
7 notes by the authority does not directly, indirectly,
8 or contingently obligate the state or a political
9 subdivision of the state to apply moneys from, or to
10 levy or pledge any form of taxation whatever, to the
11 payment of the bonds or notes.

12 6. The state pledges to and agrees with the
13 holders of bonds or notes issued under the rural
14 community 2000 financing program, that the state will
15 not limit or alter the rights and powers vested in the
16 authority to fulfill the terms of a contract made by
17 the authority with respect to the bonds or notes, or
18 in any way impair the rights and remedies of the
19 holders until the bonds or notes, together with the
20 interest on the bonds or notes, including interest on
21 unpaid installments of interest, and all costs and
22 expenses in connection with an action or proceeding by
23 or on behalf of the holders, are fully met and
24 discharged. The authority is authorized to include
25 this pledge and agreement of the state, as it refers
26 to holders of bonds or notes of the authority, in a
27 contract with the holders.

28 7. The authority is authorized to use up to two
29 and one-half percent of the moneys appropriated under
30 section 98.35 to advance the costs of issuance of such
31 bonds and notes and for administration of the rural
32 community 2000 financing program.

33 8. The authority shall not issue more than thirty
34 million dollars in bonds or notes in any one fiscal
35 year and not more than a total dollar amount of one
36 hundred fifty million shall be outstanding at any
37 time. Bonds issued to fund new infrastructure of the
38 state shall not exceed one-third of the maximum and
39 shall not be limited as to the amount which may be
40 issued in any one fiscal year.

41 Sec. ____ . NEW SECTION. 220.136 ADOPTION OF
42 RULES.

43 The authority shall adopt rules pursuant to chapter
44 17A to implement sections 220.134 and 220.135. The
45 rules shall provide for additional objective criteria
46 for the ranking of applications for grants. Not less
47 than fifty percent weight shall be given to financial
48 need, giving appropriate allowance to such factors as

49 legal and economic capacity to incur debt, local tax
50 levels, local effort, costs of vital services

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1 including sewer and water, unmet needs for basic
2 services, per capita income, and the extent to which a
3 project is calculated to improve the conditions which
4 result in greater financial need. No grant shall be
5 for less than ten percent or more than thirty percent
6 of the reasonable cost of a project. The rules shall
7 not impose restrictions on local costs in addition to
8 chapter 384, division VI.””
9 12. By striking page 2, line 36 through page 3,
10 line 10.
11 13. By renumbering as necessary.

S-4137

1 Amend House File 355, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 5, line 24, by inserting after the word
4 “due,” the following: “and which fails to correct the
5 omission within thirty days after receipt of notice
6 from the secretary to correct an omission.”

JULIA B. GENTLEMAN

S-4138

1 Amend the amendment, S-3894, to the House
2 amendment, S-3750, to Senate File 149, as amended,
3 passed, and reprinted by the Senate, as follows:
4 1. Page 2, line 8, by striking the figure “1994”
5 and inserting the following: “1999”.
6 2. Page 2, line 10, by striking the figure “1994”
7 and inserting the following: “1999”.

LARRY MURPHY

S-4139

1 Amend the House amendment, S-4127, to Senate File
2 220, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by inserting after line 6 the
5 following:

6 “ ____ . Page 4, by inserting before line 14 the
7 following:

8 “Sec. ____ . Section 99D.14, Code 1989, is amended
9 by adding the following new subsection:

10 **NEW SUBSECTION.** 6. Any property used in the
11 operation of a racetrack which is not exempt from
12 property tax on July 1 following the effective date of
13 this Act or which becomes taxable property as a result
14 of a court decision or change of ownership, or the
15 construction of a new track that is not otherwise
16 exempt shall be exempt from property taxation for
17 three years beginning January 1 of the assessment year
18 in which this Act becomes effective or beginning
19 January 1 of the assessment year in which the property
20 first becomes taxable as a result of a court decision
21 or change in ownership, or the construction of a new
22 track that is not otherwise exempt, whichever is
23 applicable. During the last assessment year for which
24 the property is exempt, the county board of
25 supervisors shall present the question of the
26 extension for an additional ten years of the tax
27 exemption at a regular state election or a special
28 election. If a majority of those voting on the
29 question favor the tax exemption of the property, the
30 property shall be exempt for an additional ten years.
31 The exemption may be extended for additional ten-year
32 periods in the same manner as was done for the first
33 ten-year period.”

34 2. Page 1, by striking lines 21 through 44.

CALVIN O. HULTMAN

S-4140

1 Amend the House amendment, S-4127, to Senate File
2 220, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking line 3, and inserting the
5 following:

6 “ ____ . Page 1, line 25, by inserting after the
7 word “wagering.” the following: “The commission shall
8 not authorize the simultaneous telecast or televising
9 of and a licensee shall not simultaneously telecast or
10 televis any horse or dog race for the purpose of
11 conducting pari-mutuel wagering unless the
12 simultaneous telecast or televising is done at the
13 racetrack of the licensee on a day and during the

14 time, when there is a horse or dog racing meet being
 15 held at the racetrack."

GEORGE R. KINLEY

S-4141

1 Amend House File 794 as amended, passed, and
 2 reprinted by the House, as follows:

DIVISION S—4141A

3 1. Page 2, by inserting after line 10, the
 4 following:
 5 "___ . "School service personnel" means those
 6 persons holding a practitioner's certificate who
 7 provide support services for students enrolled in a
 8 school or to practitioners employed in a school."

DIVISION S—4141B

9 2. Page 4, line 30, by inserting after the word
 10 "designee." the following: "The other public member
 11 shall be a person who does not hold a practitioner's
 12 license, but has a demonstrated interest in
 13 education."

DIVISION S—4141C

14 3. Page 13, by inserting after line 33 the
 15 following:
 16 "Sec. ___ . NEW SECTION. 260.35 EXAMINATIONS.
 17 The board shall consult with state associations and
 18 state agencies interested in education in this state
 19 in adopting basic skills assessment and professional
 20 and subject matter proficiency examinations required
 21 by this chapter. The board may consult with officials
 22 from other states that administer similar examinations
 23 for practitioners.
 24 The board may contract with an institution of
 25 higher education or an educational testing service to
 26 develop, score, and provide appropriate analyses of
 27 the examinations.
 28 Sec. ___ . NEW SECTION. 260.36 BASIC SKILLS
 29 ASSESSMENT EXAMINATION.
 30 An applicant for a license shall present evidence
 31 to the board that the applicant has successfully
 32 completed the basic skills assessment examination

33 adopted by the board demonstrating competency in the
34 basic skills required for teaching. The basic skills
35 examination shall be administered each year beginning
36 with the fiscal year commencing July 1, 1990, and is
37 required for licenses issued on or after October 1,
38 1991. The examination shall be administered by the
39 board at least once a year and may be given initially
40 to students during their sophomore year in college.
41 The examination shall test all of the following:
42 1. The ability to write in a logical and concise
43 style with appropriate grammar and sentence structure.
44 2. The ability to read, comprehend, and interpret
45 professional and other written material.
46 3. The ability to comprehend and work with
47 fundamental mathematical concepts.
48 An applicant for a license who is from another
49 state, but who otherwise meets the requirements of
50 this section, shall take the examinations in the

Page 2

DIVISION S—4141C (cont'd.)

1 manner prescribed by the board.
2 Sec. ____ . NEW SECTION. 260.37 PROFESSIONAL AND
3 SUBJECT MATTER PROFICIENCY EXAMINATIONS.
4 An applicant for a license shall present evidence
5 to the board that the applicant has successfully
6 completed a professional and subject matter
7 proficiency examination for any subject area in which
8 the license applied for would permit the applicant to
9 teach. The examination shall test knowledge of
10 subject matter and education philosophy and concepts.
11 The board may administer as many examinations per
12 year as are necessary, but shall administer the
13 examination for each subject matter proficiency at
14 least once a year. The scope of the examinations and
15 the methods of procedure shall be prescribed by the
16 board.
17 The board may withdraw approval of the practitioner
18 preparation program at an institution of higher
19 education in this state if, during each of three
20 consecutive years, more than fifty percent of its
21 students, taking the professional and subject matter
22 proficiency examination before graduation, receive
23 failing scores.
24 The examination shall be administered each year
25 beginning with the fiscal year commencing July 1,
26 1991, and is required for licenses issued on or after
27 October 1, 1992. The examination may be given to

28 students during their senior year in college.

29 An applicant for a license who is from another
30 state, but who otherwise meets the requirements of
31 this section, shall take the examination in the manner
32 prescribed by the board.

33 Sec. ____ . NEW SECTION. 260.38 EXAMINATION
34 PROCEDURE.

35 An examination may be conducted by representatives
36 of the board. The identity of the person taking the
37 examination shall be concealed until after the
38 examination has been graded. An applicant who has
39 failed the examination once shall be allowed to take
40 the examination at the next scheduled time. An
41 applicant who has failed the examination more than
42 once shall be allowed to take the examination at the
43 discretion of the board. An applicant who has failed
44 the examination may make a written request for
45 information from the board concerning the applicant's
46 examination grade and questions which the applicant
47 failed to answer correctly. If, however, the board
48 administers a standardized examination, the board
49 shall only be required to provide the examination
50 grade and other information concerning the applicant's

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DIVISION S—4141C (cont'd.)

1 examination results that are available to the board.”

2 4. By renumbering as necessary.

RAY TAYLOR

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 140

S-4142

1 Amend the Senate amendment, H-4444, to House File
2 140, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by striking lines 3 through 23, and
5 inserting the following:

6 “ ____ . Page 5, by inserting before line 16 the
7 following:

8 “Sec. ____ . NEW SECTION. 12.45 MAIN STREET LINKED
9 INVESTMENTS LOAN PROGRAM.

10 The treasurer of state shall adopt rules to
11 implement a main street linked investments loan
12 program to increase the availability of lower cost
13 funds to stimulate building restorations or
14 rehabilitations of historic buildings within the
15 central business district of a city which is a
16 certified local government, or in the Iowa main street
17 program or, if enacted by the Seventy-third General
18 Assembly, in the rural main street program. The rules
19 shall include the following conditions:

20 1. Linked investment loans shall be limited to
21 projects for a building restoration or rehabilitation
22 located in the central business district whose
23 boundaries are the same as the main street or rural
24 main street or central business district of a city
25 which is a certified local government project area.

26 2. Eligible borrowers are limited to the property
27 owner, contract purchaser of record, or long-term
28 lessee.

29 3. Loan applications under this program shall be
30 for the restoration or rehabilitation of facades of
31 buildings which are eligible or nominated or listed on
32 the national register of historic places. Public
33 buildings are excluded.

34 4. A facade restoration or rehabilitation must
35 follow United States secretary of interior's standards
36 for rehabilitation and guidelines for rehabilitating
37 historic buildings.

38 5. The maximum loan amount under the main street
39 linked investments loan program is fifty thousand
40 dollars per project.

41 6. No more than one-third of the amount authorized
42 in section 12.34 may be used for purposes of this
43 section.

44 Sec. ____ . NEW SECTION. 12.46 APPLICATION
45 PROCESS.

46 Applicants shall be certified as eligible for
47 assistance prior to submitting applications to the
48 treasurer of state for loans under the main street
49 linked investment loan program. Administrative rules
50 pursuant to chapter 17A shall be adopted jointly by

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1 the department of economic development and by the
2 department of cultural affairs to require applicants
3 to do the following:

4 1. Show evidence of preliminary design assistance
5 from the Iowa main street program of the department of
6 economic development or the state historic

7 preservation office of the department of cultural
8 affairs.
9 2. Show evidence of preliminary design review
10 approval from the local design review committee.
11 3. Submit project plans and specifications
12 prepared by an architect with historic preservation
13 experience. The plans shall be submitted to a final
14 design review board comprised of representatives of
15 the state historic preservation office, the Iowa main
16 street program, and one private sector architect
17 selected jointly by the directors of the departments
18 of economic development and cultural affairs. The
19 treasurer of state or the treasurer of state's
20 designee shall serve as an ad hoc member of the design
21 review board. The design review board shall provide
22 certification of eligible projects to the treasurer of
23 state following the review."
24 2. Title page, line 1, by inserting after the
25 word "program" the following: "and creating a main
26 street linked investments loan program".
27 3. Renumber as necessary."

S-4143

1 Amend the House amendment, S-3752, to Senate File
2 472, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 3, by inserting before line 20, the
5 following:
6 "____. Page 9, by inserting after line 31, the
7 following:
8 "For the school years which begin and end during
9 the period commencing July 1, 1989, and ending
10 September 1, 1994, a parent or guardian who places a
11 child under instruction in a nonaccredited school
12 which employs instructors who are not certificated
13 teachers shall be deemed to have met the requirements
14 of this chapter and chapter 299, if the nonaccredited
15 school receives approval from the department of
16 education, based upon an annual report filed by the
17 nonaccredited school, that the school is making a good
18 faith effort to employ certificated instructional
19 personnel. The state board of education shall adopt
20 rules defining the term "good faith effort", which
21 shall include, but is not limited to, policies that
22 support and encourage noncertificated instructors to
23 become certificated, advertisements for positions that
24 state a preference for certificated persons or persons
25 who can reasonably obtain certification by 1994, and

26 evidence of the enrollment of noncertificated
27 instructors in courses leading to certification.””

WILLIAM DIELEMAN
LARRY MURPHY

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 740

S-4144

1 Amend the amendment, H-4132, to House File 740, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 3 through 26 and
5 inserting the following:
6 “— . Page 3, by striking lines 15 through 18 and
7 inserting the following: “of the minor, but shall
8 report depictions involving a prohibited sexual act.
9 This section shall”.
10 — . Page 4, line 15, by inserting after the word
11 “felonies.” the following: “As used in this
12 subsection, a “person” excludes any information-access
13 service provider that merely provides transmission
14 capacity without control over the content of the
15 transmission.””

S-4145

1 Amend the amendment, S-4124, to House File 685, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 2, by striking lines 1 and 2, and
5 inserting the following:
6 “— . Page 21, by inserting after line 12, the
7 following:”.
8 2. By renumbering as necessary.

JACK RIFE
BERL E. PRIEBE
EMIL HUSAK
BILL HUTCHINS
JOHN A. PETERSON
DALE L. TIEDEN
RICHARD DRAKE

JOHN JENSEN
RICHARD J. VARN

S-4146

1 Amend House File 685, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 20, line 2, by striking the word
4 "directors" and inserting the following: "governors".
5 2. Page 20, lines 5 and 6, by striking the words
6 "in their entirety".
7 3. Page 20, line 17, by striking the word
8 "directors" and inserting the following: "governors".
9 4. Page 20, line 30, by striking the word
10 "directors" and inserting the following: "governors".
11 5. Page 20, line 32, by striking the words "any
12 provision of".
13 6. Page 20, line 33, by striking the word "is"
14 and inserting the following: "are".
15 7. Page 21, lines 7 and 8, by striking the words
16 "a provision of".
17 8. Page 21, line 8, by striking the word "is" and
18 inserting the following: "are".

JACK RIFE

S-4147

1 Amend House File 794, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 24, by inserting after line 33 the
4 following:
5 "Sec. ____ . 1988 Iowa Acts, chapter 1259, sections
6 7, 8, and 9, are amended to read as follows:
7 SEC. 7. Notwithstanding section 802.4,
8 prosecutions for violations of chapter 299, which
9 occur between the effective date of this Act and July
10 1, ~~1989~~ 1991, shall be deferred until after July 1,
11 ~~1989~~ 1991 unless the parent, guardian, or custodian
12 fails to meet the requirements of section 299.4.
13 This section does not apply to any parent,
14 guardian, or custodian who has enrolled a child in an
15 equivalent instruction program which meets the
16 requirements of section 299.1 on or prior to the
17 effective date of this Act.
18 SEC. 8. Until July 1, ~~1989~~ 1991, any person
19 providing equivalent instruction under section 299.1
20 shall provide evidence, as part of the report

21. submitted under section 299.4, that any child
22 instructed has complied with the immunization
23 requirements of section 139.9.
24 SEC. 9. Until July 1, ~~1989~~ 1991, a person who is
25 not a certified instructor, but who is providing
26 equivalent instruction under section 299.1, is a
27 mandatory reporter of child abuse under section
28 232.69.”
29 2. By renumbering as necessary.

RAY TAYLOR

S-4148

1 Amend House File 600, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 2, by inserting after line 35 the fol-
4 lowing:
5 “Sec. ____ . Section 455B.307, Code 1989, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 1A. Consistent with subsection 1,
8 a person shall not dump or deposit, or permit the
9 dumping or depositing of solid waste on a farm unless
10 a permit for the dumping or depositing has been issued
11 by the department. Notwithstanding this prohibition,
12 however, a person, who has dumped or deposited solid
13 waste other than hazardous waste on a farm, which was
14 generated on that farm, and who has not received a
15 permit for the dumping or depositing, shall not be
16 required to remove the solid waste deposited prior to
17 July 1, 1989, provided that all of the following
18 conditions are met:
19 a. The owner of the land upon which the existing
20 open dump is located has notified the department of
21 the existence of the site, has identified the location
22 of the site by accepted references to the section,
23 township, range, and has certified that to the best of
24 the person’s knowledge no hazardous waste was disposed
25 of at the site. If, to the best of the person’s
26 knowledge, no hazardous waste has been disposed of at
27 the site, the notice shall include a statement that
28 the site has been properly covered as provided in
29 paragraph “b”. Notification shall be submitted to the
30 board of supervisors of the county in which the site
31 is located, no later than October 1992.
32 b. A site covered, without the solid waste having
33 been removed shall be compacted to the extent
34 possible, and completely covered with dirt. Surface
35 water shall be diverted, where necessary to maintain

36 the cover, and the cover shall be seeded to establish
37 vegetation.

38 c. A person who has established a site on a farm
39 for which the board of supervisors has not received
40 notification, or a person establishing a site on a
41 farm at which disposal or dumping occurs after July 1,
42 1989, shall remove all solid waste and dispose of the
43 solid waste at a permitted site.

44 A person who complies with the provisions of this
45 subsection is not subject to the penalties provided
46 under this section."

47 2. By renumbering as necessary.

EUGENE FRAISE

S-4149

1 Amend House File 789, as passed by the House, as
2 follows:

3 1. Page 2, by striking lines 23 through 28, and
4 inserting the following:

5 "h. For the establishment and implementation of
6 not less than five model farm demonstration project
7 areas, in geographically distinct portions of the
8 state. The projects shall be located in southeast,
9 south-central, southwest, northwest, and north-central
10 portions of the state. The projects shall be designed
11 to enhance the profitability and decrease the
12 environmental impacts of row crop production, and to
13 develop on-farm demonstration and education programs
14 involving farms concentrated in a project area, such
15 as the Big Spring demonstration project does in
16 northeast Iowa. An advisory group shall assist the
17 energy and geological resources division of the
18 department of natural resources in the project design
19 and implementation, with representation consisting of
20 the directors of the soil conservation division of the
21 department of agriculture and land stewardship, and
22 the cooperative extension service. From the Stripper
23 Well fund:".

JIM RIORDAN

S-4150

1 Amend Senate File 546 as follows:

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

4 “___ . Review the reasons for and the frequency of
5 cost overruns and restarting of capital projects by
6 state agencies.

7 ___ . Examine and evaluate, on a continuing basis,
8 the state’s system of contracting and subcontracting
9 in regard to capital projects.”

RICHARD RUNNING
CHARLES BRUNER
JIM RIORDAN
MICHAEL E. GRONSTAL
JOE WELSH

S-4151

1 Amend House File 785, 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 99E.32, subsection 1,
6 paragraphs a and b, Code 1989, are amended to read as
7 follows:

8 a. In the fiscal year beginning July 1, 1986 the
9 first three million four hundred thirty-eight thousand
10 dollars, in the fiscal year beginning July 1, 1987 the
11 first six million six hundred seventy-five thousand
12 dollars, in the fiscal year beginning July 1, 1988 the
13 first four million six hundred twenty-five thousand
14 dollars and in the fiscal year beginning July 1, 1989
15 the first ~~three million seven hundred fifty thousand~~
16 four million three hundred eighty-five thousand
17 dollars to the jobs now capitals account.

18 b. For the fiscal years beginning July 1, 1986,
19 July 1, 1987, July 1, 1988, and July 1, 1989, after
20 the allotment in paragraph “a”, ten million dollars,
21 ten million dollars, four million six hundred fifty
22 thousand dollars, and ~~ten million four million six~~
23 hundred fifty thousand dollars respectively, to the
24 community economic betterment account; for the fiscal
25 years beginning July 1, 1986, July 1, 1987, July 1,
26 1988, and July 1, 1989, eight million five hundred
27 fifty thousand dollars, eight million three hundred
28 seventy-five thousand dollars, nineteen million eight
29 thousand dollars, and ~~seven million nine hundred~~
30 thousand twenty-eight million eight hundred fifty-four
31 thousand dollars, respectively, to the jobs now
32 account; and for the fiscal years beginning July 1,
33 1986, July 1, 1987, July 1, 1988, and July 1, 1989,

34 twelve million five hundred thousand dollars, seven
 35 million four hundred thousand dollars, seven million
 36 dollars, and ~~eleven million two hundred fifty thousand~~
 37 seven million seven hundred twenty-one thousand
 38 dollars, respectively, to the education and
 39 agriculture research and development account.
 40 Sec. 2. Section 99E.32, subsection 1, Code 1989,
 41 is amended by adding the following new paragraph:
 42 NEW PARAGRAPH. d. Notwithstanding paragraph "c",
 43 after the allotments have been made for the fiscal
 44 year beginning July 1, 1988, under paragraphs "a" and
 45 "b", the total excess is allotted to the surplus
 46 account.
 47 Sec. 3. Section 99E.32, subsection 2, paragraph a,
 48 subparagraph (9), unnumbered paragraph 1, Code 1989,
 49 is amended to read as follows:
 50 Notwithstanding any other provision, the moneys

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1 allocated to the community economic betterment account
 2 ~~for the fiscal year~~ beginning July 1, 1988, are
 3 appropriated to the department of economic development
 4 to be used only for the purposes of providing
 5 financial assistance for small business gap financing,
 6 new business opportunities, new product and
 7 entrepreneurial development, and comprehensive
 8 management assistance in the amounts, or so much
 9 thereof as may be necessary, as provided in section
 10 99E.33. These purposes may be accomplished by
 11 providing the following types of assistance:
 12 Sec. 4. Section 99E.32, subsection 3, Code 1989,
 13 is amended to read as follows:
 14 3. There are appropriated moneys in the jobs now
 15 account for each of the fiscal years beginning July 1,
 16 1986, July 1, 1987, July 1, 1988, and July 1, 1989, to
 17 the following funds, agencies, boards or commissions
 18 in the amounts, or so much thereof as may be
 19 necessary, as provided in section 99E.33 to be used
 20 for the following purposes:
 21 a. To the department of natural resources for the
 22 purposes designated in section ~~99E.31~~, subsection 3,
 23 paragraph "a". For the fiscal year beginning July 1,
 24 1986, the amount appropriated is two million five
 25 hundred thousand dollars. For the fiscal year
 26 beginning July 1, 1987, the amount appropriated is two
 27 million dollars. For the fiscal year beginning July
 28 1, 1988, the amount appropriated is two million
 29 dollars, of which one hundred sixty thousand dollars
 30 shall be used for continuing projects to be matched

31 ~~with federal funds~~ the sum of eight million dollars
32 for the fiscal year beginning July 1, 1989, for
33 deposit in an Iowa resources enhancement and
34 protection fund and allocated pursuant to 1989 Iowa
35 Acts, House File 769, if enacted. If House File 769
36 is not signed by the governor then the department
37 shall adopt rules and implement House File 769 as
38 passed by the Seventy-third General Assembly on May 4,
39 1989.

40 b. To the Iowa product development fund for the
41 purposes provided in section 28.89. For the fiscal
42 year beginning July 1, 1987, the amount appropriated
43 is one million five hundred thousand dollars. For the
44 fiscal year beginning July 1, 1988, the amount
45 appropriated is one million two hundred fifty thousand
46 dollars. For the fiscal year beginning July 1, 1989,
47 the amount appropriated is one million five hundred
48 thousand dollars.

49 c. For the fiscal years beginning July 1, 1986,
50 and July 1, 1987, to the department of cultural

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1 affairs, and for the fiscal years beginning July 1,
2 1988, and July 1, 1989, to the arts division of the
3 department of cultural affairs, for the purposes
4 designated in section 99E.31, subsection 3, paragraph
5 "d". For the fiscal year beginning July 1, 1987, the
6 amount appropriated is six hundred seventy-five
7 thousand dollars. For the fiscal year beginning July
8 1, 1988, the amount appropriated is six hundred fifty
9 thousand dollars of which forty thousand dollars shall
10 be allocated to the John L. Lewis commission for the
11 John L. Lewis museum in Lucas, Iowa, seventy thousand
12 dollars for the Iowa town square project, seventy
13 thousand dollars for the artist endowment program, and
14 twelve thousand dollars is to be directed to the
15 secretary of state for the restoration and display of
16 the Iowa state constitution. For the fiscal year
17 beginning July 1, 1989, the amount appropriated is six
18 hundred fifty thousand dollars.

19 d. To the Iowa department of economic development
20 for the purposes designated in section 99E.31,
21 subsection 3, paragraph "e". For the fiscal year
22 beginning July 1, 1986, the amount appropriated is two
23 million six hundred thousand dollars. For the fiscal
24 year beginning July 1, 1987, the amount appropriated
25 is two million fifty thousand dollars. For the fiscal
26 year beginning July 1, 1988, the amount appropriated
27 is one million nine hundred eight thousand dollars.

28 For the fiscal year beginning July 1, 1989, the amount
 29 appropriated is three million three hundred ninety-
 30 three thousand dollars to be used for the purposes and
 31 in the amounts as follows:

32 (1) Satellite centers under section 28.101, one
 33 million one hundred twenty-five thousand dollars of
 34 which fifty thousand dollars shall be used by the
 35 department to hire a rural development coordinator;
 36 forty-five thousand dollars for an informational
 37 referral center; and ninety-five thousand dollars for
 38 model rural development projects. For the fiscal year
 39 beginning July 1, 1988, the amount appropriated is
 40 nine hundred thirty-five thousand dollars. Of the
 41 amount appropriated in the fiscal year beginning July
 42 1, 1988, only, thirty thousand dollars shall be
 43 awarded to each of the fifteen regional coordinating
 44 councils for annual salaries, support, and maintenance
 45 of the satellite centers and up to one hundred fifty
 46 thousand dollars may be used for supplemental grants
 47 to the satellite centers. Criteria for awarding the
 48 grants include the performance of the satellite center
 49 and the need for the supplemental funding. The
 50 department shall award at least four supplemental

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1 grants, but in no case shall the maximum supplemental
 2 grant exceed fifteen thousand dollars. For the fiscal
 3 year beginning July 1, 1989, the amount appropriated
 4 is one million five hundred forty-five thousand
 5 dollars. Of the amount appropriated for the fiscal
 6 year beginning July 1, 1989, only, seventy-five
 7 thousand dollars shall be awarded to each of the
 8 fifteen regional coordinating councils for annual
 9 salaries, support, and maintenance of the satellite
 10 centers. Of the amount appropriated for the fiscal
 11 year beginning July 1, 1989, the department shall
 12 employ three full-time equivalent positions for the
 13 community economic preparedness program.

14 (2) Federal procurement offices, one hundred
 15 thousand dollars. For the fiscal year beginning July
 16 1, 1988, the amount appropriated is one hundred
 17 thousand dollars. For the fiscal year beginning July
 18 1, 1989, the amount appropriated is eighty thousand
 19 dollars.

20 (3) Iowa main street program, two hundred seventy-
 21 five thousand dollars. For the fiscal year beginning
 22 July 1, 1988, the amount appropriated is three hundred
 23 ninety-three thousand dollars. For the fiscal year
 24 beginning July 1, 1989, the amount appropriated is

25 three hundred forty-three thousand dollars.

26 (4) Technical assistance for businesses for
27 purposes of the federal small business innovation
28 research grants program, two hundred fifty thousand
29 dollars of which fifty thousand dollars shall be
30 expended to develop and operate a small business
31 information center. For the fiscal year beginning
32 July 1, 1988, no amount is appropriated. For the
33 fiscal year beginning July 1, 1989, the amount
34 appropriated is one hundred thousand dollars.

35 (5) Business incubators, three hundred thousand
36 dollars. The funds shall be used to provide for
37 operations of existing incubators and for the
38 establishment of at least one new incubator in the
39 fiscal year. The department will award grants to
40 ~~universities~~, community colleges, and local
41 communities on an annual basis. In awarding the
42 grants, the department shall consider the incubator's
43 plan to become self-sufficient from the need for
44 further grants within three years of its start-up.
45 Future grants shall be contingent upon how the
46 incubator is succeeding in becoming self-sufficient.
47 The local community, ~~university~~, or college is
48 required to match the state's grant on a dollar-for-
49 dollar basis. For the fiscal year beginning July 1,
50 1988, the amount appropriated is two hundred fifty

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1 thousand dollars. For the fiscal year beginning July
2 1, 1989, the amount appropriated is two hundred fifty
3 thousand dollars.

4 (6) ~~Rural incubators technical assistance centers,~~
5 one hundred fifty thousand dollars is appropriated for
6 the fiscal year beginning July 1, 1988. The funds
7 shall be used for ~~the establishment of incubators~~
8 ~~technical assistance centers~~ located in communities
9 with a population of less than ten thousand. The
10 department will award grants to ~~universities,~~
11 community colleges, ~~and local communities~~ on an annual
12 basis. In awarding the grants, the department shall
13 consider the ~~incubator's center's~~ plan to become self-
14 sufficient from the need for further grants within
15 three years of its start-up. Future grants shall be
16 contingent upon how the ~~incubator center~~ is succeeding
17 in becoming self-sufficient. ~~The local community,~~
18 ~~university, or college is required to provide a~~
19 ~~twenty-five percent match of the state's grant.~~ For
20 the fiscal year beginning July 1, 1989, the amount
21 appropriated is six hundred thousand dollars. Of the

22 amount appropriated for the fiscal year beginning July
 23 1, 1989, four hundred fifty thousand dollars shall be
 24 used for grants for start-up costs for the rural
 25 development technical assistance centers to be
 26 established pursuant to chapter 280D.

27 (7) For rural development programs, the sum of
 28 eighty thousand dollars is appropriated for the fiscal
 29 year beginning July 1, 1988. For the fiscal year
 30 beginning July 1, 1989, the amount appropriated is one
 31 hundred seventy-five thousand dollars.

32 (8) For council of governments assistance, the sum
 33 of three hundred thousand dollars is appropriated for
 34 the fiscal year beginning July 1, 1989. The funds
 35 shall be used to provide technical assistance to the
 36 political subdivisions of the state and to coordinate
 37 the delivery of local services of the council of
 38 governments.

39 e. For the fiscal year beginning July 1, 1986
 40 only, the sum of two hundred thousand dollars for the
 41 targeted small business loan guarantee program
 42 established pursuant to section 220.111.

43 f. For the fiscal years beginning July 1, 1986 and
 44 July 1, 1987 only, to the Iowa conservation corps
 45 account the sum of one million dollars and seven
 46 hundred fifty thousand dollars, respectively. Of the
 47 funds appropriated under this paragraph, five hundred
 48 thousand dollars shall be used for a summer jobs
 49 program for young adults, as a part of the Iowa youth
 50 corps and designed to provide part-time public service

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1 employment to work on conservation-oriented projects.
 2 g. For the fiscal years beginning July 1, 1988,
 3 and July 1, 1989, only to the Iowa department of
 4 economic development, eight hundred thousand dollars
 5 for purposes of administration of the Iowa
 6 conservation corps, established in section 15.225. Of
 7 the amount appropriated for the fiscal year beginning
 8 July 1, 1988, one hundred thousand dollars shall be
 9 used for minority youth employment. Moneys not used
 10 for minority youth employment are available for use
 11 for the purposes of the Iowa conservation corps.

12 h. For the fiscal years beginning July 1, 1987 and
 13 July 1, 1988, to the advance account of the area
 14 school job training fund established in section
 15 280C.6, one million dollars and seven hundred fifty
 16 thousand dollars, respectively. If 1988 Iowa Acts,
 17 chapter 1131, is enacted, the amount appropriated for
 18 the fiscal year beginning July 1, 1988, shall be to

19 the revolving loan account of the area school job
20 training fund.

21 i. For the fiscal year beginning July 1, 1987, to
22 the department of agriculture and land stewardship the
23 sum of three hundred thousand dollars for developing
24 pilot public/private partnerships to assist Iowa
25 producers of agricultural products in the promotion,
26 marketing, and selling of agricultural products to
27 local and regional markets. For the fiscal year
28 beginning July 1, 1988, the amount appropriated is one
29 hundred fifty thousand dollars. For the fiscal year
30 beginning July 1, 1989, the amount appropriated is
31 four hundred fifty thousand dollars which is to be
32 used for funding of existing partnerships or for
33 starting new ones.

34 j. For the fiscal year beginning July 1, 1987
35 only, to the department of agriculture and land
36 stewardship the sum of one hundred thousand dollars,
37 or so much as is necessary, to provide a grant to the
38 organizers from the 1988 world ag expo in the Amana
39 colonies.

40 k. For the fiscal year beginning July 1, 1988,
41 there is appropriated to the department of economic
42 development for labor management councils the sum of
43 one hundred thousand dollars. For the fiscal year
44 beginning July 1, 1989, there is appropriated to the
45 department of economic development for labor
46 management councils the sum of two hundred thousand
47 dollars.

48 l. For the fiscal ~~year~~ years beginning July 1,
49 1988, and July 1, 1989, to the Iowa department of
50 economic development the sum of seven hundred thousand

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1 dollars and seven hundred thousand dollars,
2 respectively, for the establishment of welcome centers
3 as provided in sections 15.271 and 15.272. The funds
4 appropriated shall be used for implementation of the
5 recommendations of the statewide long-range plan for
6 developing and operating welcome centers through the
7 state.

8 m. (1) For the fiscal ~~year~~ years beginning July
9 1, 1988, and July 1, 1989, to the department of
10 agriculture and land stewardship the sum of one
11 hundred thousand dollars and two hundred fifty
12 thousand dollars, respectively, to fund pilot lamb and
13 wool management education projects approved by the
14 department at area schools selected as project sites.
15 The selection of an area school as a project site

16 shall be based upon the evaluation and recommendations
17 of an advisory committee created by the department and
18 composed of persons actively engaged in lamb and wool
19 production, persons representing the agricultural
20 experiment station of the Iowa state university of
21 science and technology, and persons expert in
22 postsecondary education. The committee shall conduct
23 an evaluation of area schools applying to be selected
24 as pilot project sites. The committee in formulating
25 its recommendations shall assign a weight to and
26 consider the following criteria:

27 (a) The area school's relevant and available
28 educational facilities.

29 (b) The number of persons interested in beginning
30 or expanding lamb and wool production in the area
31 school's merged area.

32 (c) The current number of sheep in the area
33 school's merged area.

34 (d) The increase in the number of sheep in the
35 area school's merged area.

36 (e) The creation or expansion of lamb and wool
37 production facilities in the area school's merged
38 area.

39 (f) The size and number of lamb and wool producer
40 groups in the area school's merged area, and the
41 degree to which such groups promote lamb and wool
42 production in the area.

43 (g) The qualifications of the person selected by
44 the area school to direct the project, and the
45 qualifications of persons selected by the area school
46 to instruct producers participating in the project.

47 The committee shall be staffed by employees of the
48 department as appointed by the director of the
49 department. The evaluation and recommendations shall
50 be submitted to the director not later than December

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1 30, 1988, or December 30, 1989, as applicable.
2 (2) An area school selected to be a pilot project
3 site is entitled to regular disbursements of funds by
4 the department to establish the project, and for
5 salaries, support, maintenance, and other operational
6 purposes according to a schedule which shall be
7 established by the department. An area school shall
8 not have less than thirty producers participating in
9 the project, on or after December 30, 1990, or
10 December 30, 1991, as applicable. If after that time,
11 less than thirty producers participate in a project
12 when the department is disbursing scheduled funds to

13 the area school, the amount of funds to the school
14 shall be reduced proportionately according to the
15 number of producers participating in the project. The
16 amount withheld shall be added equally to the amount
17 disbursed to area schools having thirty or more
18 producers participating in their respective projects.
19 Only producers are eligible to participate in a
20 project. The department may establish additional
21 requirements for participation in the project,
22 including a fee which shall be charged for producers
23 participating in the project. A producer shall be
24 charged the fee notwithstanding any other fee paid to
25 the area school.

26 (3) For purposes of the projects, "producer" means
27 a person actively engaged or seeking to become
28 actively engaged in lamb or wool production.

29 n. For the fiscal year beginning July 1, 1988, the
30 sum of nine million three hundred thousand dollars as
31 follows:

32 (1) Four million six hundred fifty thousand
33 dollars to the Iowa finance authority for the
34 revolving fund for the community and rural development
35 loan program established under 1988 Iowa Acts, chapter
36 1217.

37 (2) Four million six hundred fifty thousand
38 dollars to the business development finance
39 corporation assistance fund established under 1988
40 Iowa Acts, chapter 1207.

41 (3) Up to one million dollars of the moneys
42 allocated under subparagraph (1) and up to three
43 million dollars of the moneys allocated under
44 subparagraph (2) which are not used or dedicated may
45 be transferred to and used for purposes of the
46 community economic betterment account, as determined
47 by the department of economic development with one-
48 half of the amount to be transferred on October 1,
49 1988, and one-half of the amount to be transferred on
50 January 15, 1989. For the fiscal year beginning July

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1 1, 1989, the sum of two million six hundred fifty
2 thousand dollars is appropriated to the business
3 development finance corporation assistance fund
4 established under section 28.148.

5 o. For the fiscal year beginning July 1, 1988, to
6 the department of economic development the sum of
7 fifty thousand dollars for a local economic

8 development pilot project for an area encompassing the
9 cities and rural areas making up the area community
10 commonwealth where the cities are represented on the
11 board of directors of a nonprofit corporation set up
12 for the purpose of aiding in the economic development
13 of the area. In order for the area to receive moneys
14 under this paragraph, the area shall be formed under
15 an agreement entered into pursuant to chapter 28E for
16 the sole purpose of providing for economic development
17 projects for the area provided the agreement
18 identifies an entity to receive the funds under this
19 paragraph and all parties to the agreement shall be
20 located within the same regional economic delivery
21 area created pursuant to section 28.101. The moneys
22 available to the chapter 28E area shall be used only
23 for economic development initiatives as defined in
24 section 99E.10, subsection 2. However, as used in
25 this paragraph, economic development initiatives do
26 not include the employment of professional staff or
27 consultants. The chapter 28E area shall file an
28 economic development plan with the department of
29 economic development before application is made to
30 receive funds under this paragraph. The area
31 receiving funds under this paragraph shall submit an
32 annual financial report within sixty days following
33 the close of its fiscal year to the regional
34 coordinating council created pursuant to section
35 28.101 of the region in which the area is located.

36 p. For the fiscal year beginning July 1, 1988, to
37 the division of soil conservation within the
38 department of agriculture and land stewardship for
39 deposit in the water protection fund created in 1988
40 Iowa Acts, chapter 1189, section 5, the sum of five
41 hundred thousand dollars for purposes of the fund.

42 q. For the fiscal ~~year~~ years beginning July 1,
43 1988, and July 1, 1989, to the department of education
44 the sum of seven hundred fifty thousand dollars and
45 seven hundred fifty thousand dollars, respectively,
46 for the purposes and under the conditions specified in
47 section 99E.31, subsection 5, paragraph "c".

48 r. For the fiscal year beginning July 1, 1989, to
49 the Iowa state university of science and technology
50 for funding the small business development centers the

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1 sum of one million three hundred thousand dollars.
2 s. For the fiscal year beginning July 1, 1989, to
3 the Iowa finance authority, the sum of one million

4 three hundred ninety-five thousand dollars for the
5 housing program fund as specified in section 220.40 to
6 be used for purposes of the housing category under the
7 community and rural development program.

8 t. For the fiscal year beginning July 1, 1989, to
9 the Iowa finance authority, the sum of one hundred
10 thousand dollars for the homeless assistance program.

11 u. For the fiscal year beginning July 1, 1989, to
12 the Iowa finance authority, the sum of two million
13 dollars for the housing assistance program to provide
14 mortgage and finance assistance to individuals
15 residing in communities with a population of less than
16 five thousand for the purchase or acquisition of
17 homes, including but not limited to, modular homes, as
18 defined in section 135D.1, and manufactured homes as
19 defined in 42 U.S.C. § 5403.

20 v. For the fiscal year beginning July 1, 1989, to
21 the arts division of the department of cultural
22 affairs, the sum of one hundred twenty thousand
23 dollars for the town square program.

24 w. For the fiscal year beginning July 1, 1989, to
25 the arts division of the department of cultural
26 affairs, the sum of one hundred thousand dollars for
27 the artists endowment program.

28 x. For the fiscal year beginning July 1, 1989, to
29 the department of cultural affairs, the sum of two
30 hundred seventy thousand dollars for an additional
31 exhibit in the new historical building.

32 y. For the fiscal year beginning July 1, 1989, to
33 the department of economic development for the sister
34 state program the sum of eighty thousand dollars.
35 Funds appropriated for the sister state program shall
36 be matched on a dollar-for-dollar basis by private
37 sources. In-kind expenditures from the private sector
38 may be considered as a portion of the dollar-for-
39 dollar match. The department shall secure the
40 necessary private participation from groups and
41 organizations most appropriate for this program.

42 z. For the fiscal year beginning July 1, 1989, to
43 the department of economic development the sum of two
44 hundred ninety-six thousand dollars for a rural main
45 street program for communities with a population under
46 five thousand.

47 aa. For the fiscal year beginning July 1, 1989, to
48 the department of economic development, the sum of
49 four hundred thousand dollars for a rural enterprise
50 fund for seed money for local community development

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1 organizations established for an area as a result of
2 an agreement entered into pursuant to chapter 28E for
3 the sole purpose of providing for economic and
4 business development projects. The availability of
5 the seed money, and the type of projects and
6 organizations are similar to those envisioned in
7 paragraph "o" of this subsection.
8 ab. For the fiscal year beginning July 1, 1989,
9 the sum of two million dollars to the department of
10 economic development to establish a retraining program
11 for existing Iowa businesses and employees to upgrade
12 and modernize the skills of the employees.
13 ac. To the revolving loan account of the area
14 school job training fund established under section
15 280C.6, the sum of one million dollars for the fiscal
16 year beginning July 1, 1989.
17 ad. For the fiscal year beginning July 1, 1989, to
18 the Terrace Hill commission the sum of fifty thousand
19 dollars for landscaping, painting, equipment, repairs,
20 renovations, and furnishings at Terrace Hill.
21 ae. For the fiscal year beginning July 1, 1989, to
22 the department of economic development, the sum of one
23 hundred fifty thousand dollars for a productivity
24 enhancement program which will focus on transferring
25 state-of-the-art manufacturing techniques to rural
26 manufacturers.
27 af. To the department of human rights the sum of
28 two hundred fifty thousand dollars for the fiscal year
29 beginning July 1, 1989, to provide grants of up to
30 twenty thousand dollars for funding of the building,
31 remodeling, and renovation costs for shelters for
32 juveniles and group foster care/residential treatment
33 programs. The grants may additionally be used to pay
34 the interest on loans obtained for the purpose of
35 building, remodeling, and renovation costs for
36 shelters for juveniles and group foster
37 care/residential treatment programs. All grants shall
38 be made to nonprofit agencies which are licensed by
39 the state of Iowa. All grants must be used to
40 establish new beds to provide services to youth. In
41 developing administrative rules and in awarding
42 grants, the department of human rights shall develop a
43 committee which includes the director of the
44 department of human services or the director's
45 designee, and the director of the department of elder
46 affairs or the director's designee. An application
47 for a grant under the children's grant program shall

48 include documentation of coordination with other
49 services and support for service within the community.
50 Sec. 5. Section 99E.32, subsection 4, Code 1989,

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1 is amended to read as follows:

2 4. There are appropriated moneys in the education
3 and agriculture research and development account for
4 each of the fiscal years beginning July 1, 1986, July
5 1, 1987, July 1, 1988, and July 1, 1989, to the
6 following funds, agencies, boards or commissions in
7 the amounts, or so much thereof as may be necessary,
8 as provided in section 99E.33 to be used for the
9 following purposes:

10 a. To the Iowa college aid commission for the
11 forgivable loan program established in sections 261.71
12 to 261.73. For the fiscal year beginning July 1,
13 1986, the amount appropriated is seven hundred fifty
14 thousand dollars. Notwithstanding subsection 7, any
15 moneys not expended under this paragraph by June 30,
16 1987 shall not be used for purposes of this paragraph
17 but shall be transferred and used for the purposes
18 described in paragraph "c" for the fiscal year
19 beginning July 1, 1987. For the fiscal years
20 beginning July 1, 1987, ~~and~~ July 1, 1988, and July 1,
21 1989, no amount is appropriated.

22 b. To the Iowa department of economic development
23 for the purposes and under the conditions specified in
24 section 99E.31, subsection 4, paragraph "a".

25 (1) For the fiscal year beginning July 1, 1986,
26 the amount appropriated is ten million seven hundred
27 fifty thousand dollars.

28 (2) For the fiscal year beginning July 1, 1987,
29 the amount appropriated is seven million dollars of
30 which five hundred thousand dollars shall be allocated
31 to the Iowa State University of science and technology
32 for the national center for food and industrial
33 agricultural product development; and two hundred
34 fifty thousand dollars shall be allocated to the
35 University of Northern Iowa for the decision-making
36 science institute.

37 (3) For the fiscal year beginning July 1, 1988,
38 the amount appropriated is seven million dollars of
39 which two hundred fifty thousand dollars shall be
40 allocated to the University of Northern Iowa for the
41 decision-making science institute; one hundred
42 thousand dollars shall be allocated to the department
43 of economic development for an economic development
44 training program at the school of business at the

45 University of Northern Iowa which shall use these
46 funds in consultation with the department, the
47 university, and the Iowa professional developers;
48 forty thousand dollars shall be allocated to the state
49 library within the department of cultural affairs to
50 establish a patent depository library for the purpose

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1 of making university patents accessible to the public
2 and private sectors by purchasing the twenty-year
3 backfile of patents and to train existing staff to
4 work with users of the library; and three hundred
5 sixty thousand dollars shall be allocated and used to
6 establish a university and private industry research
7 and development consortium at each of the state board
8 of regents universities under chapter 262B. Of the
9 three hundred sixty thousand dollars, one hundred
10 twenty thousand dollars is allocated to each of the
11 consortiums with eighty-five thousand dollars being
12 appropriated to the department of economic development
13 for providing staff and support to the marketing for
14 the consortiums and thirty-five thousand dollars is
15 allocated to each of the offices of vice president for
16 research at the three board of regents institutions.
17 Of the money allocated under this paragraph to the
18 Iowa State University of science and technology for
19 the fiscal year beginning July 1, 1988, two hundred
20 thousand dollars shall be used to support
21 collaborative research with the United States
22 department of agriculture to improve reproductive
23 performance and disease resistance in swine. After
24 the first five million dollars appropriated for the
25 fiscal year beginning July 1, 1988, has been
26 allocated, the next one million dollars shall be
27 allocated for proposals described in section 99E.31,
28 subsection 4, paragraph "a", subparagraph (1) and the
29 next one million dollars shall be allocated for
30 applied research projects described in section 99E.31,
31 subsection 4, paragraph "a", subparagraph (3) of which
32 one hundred fifty thousand dollars shall be used for
33 the water resource research institute under paragraph
34 "e". The department may use any unexpended funds from
35 the appropriation made under this paragraph for the
36 fiscal year beginning July 1, 1987, as a prepayment of
37 the allocations made for the fiscal year beginning
38 July 1, 1988, for the decision-making science
39 institute and the economic development leadership
40 program, which prepayment shall be repaid as the
41 fiscal year beginning July 1, 1988, allocation to such

42 institute or program becomes available.
43 (4) For the fiscal year beginning July 1, 1989,
44 the amount appropriated is six million four hundred
45 thousand dollars. Of the amount appropriated for the
46 fiscal year beginning July 1, 1989, forty thousand
47 dollars shall be allocated to the state library within
48 the department of cultural affairs for purposes of the
49 patent depository library and three hundred ~~sixty~~
50 thousand dollars shall be allocated and used to

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1 establish a university and private industry research
2 and development consortium at each of the state board
3 of regents universities under chapter 262B. Of the
4 three hundred ~~sixty~~ thousand dollars, one hundred
5 ~~twenty~~ thousand dollars is allocated to each of the
6 consortiums ~~with eighty-five.~~ Of the amount
7 appropriated in this subparagraph, sixty thousand
8 dollars being is appropriated to the department of
9 economic development for providing staff and support
10 ~~to the marketing for the consortiums and thirty-five~~
11 ~~thousand dollars is allocated to each of the offices~~
12 ~~of vice president for research at the three board of~~
13 ~~regents institutions identify development trends.~~ Of
14 the amount appropriated in this subparagraph, five
15 hundred thousand dollars is allocated to the
16 University of Northern Iowa for the decision-making
17 science institute; one hundred thousand dollars is
18 allocated to the department of economic development
19 for an economic development training program at the
20 school of business at the University of Northern Iowa
21 which shall use these funds in consultation with the
22 department, the university, and the Iowa professional
23 developers; two hundred thousand dollars is allocated
24 to the decision-making science institute for the
25 emerging business opportunities program; six hundred
26 fifty thousand dollars is allocated for the INTERNET
27 foundation which shall transfer four hundred thousand
28 dollars of its allocation to the Iowa science and
29 technology foundation; and three hundred thousand
30 dollars, to be allocated equally, for support of the
31 Iowa technology innovation centers at the University
32 of Iowa and the Iowa State University of science and
33 technology and the applied technology program at the
34 University of Northern Iowa.
35 c. To the Iowa college aid commission for the
36 purposes and under the conditions specified in section
37 99E.31, subsection 4, paragraph "b". For the fiscal
38 years beginning July 1, 1987, and July 1, 1988, no

39 amount is appropriated. However, the funds
40 transferred under paragraph "a" are available for use
41 under this paragraph for the fiscal years beginning
42 July 1, 1987, and July 1, 1988. For the fiscal year
43 years beginning July 1, 1988, and July 1, 1989, no
44 amount is appropriated.

45 d. For the fiscal year beginning July 1, 1987 only
46 to the Iowa peace institute, the sum of two hundred
47 fifty thousand dollars for salaries, support, and
48 maintenance provided, and to the extent that, the
49 appropriations are matched dollar for dollar by the
50 Iowa peace institute. The peace institute shall not

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1 use any of the state funds for the construction or
2 purchase of real property. For the fiscal year
3 beginning July 1, 1988, the unobligated moneys left in
4 the Iowa plan fund as a result of the appropriation
5 made for the fiscal year beginning July 1, 1985,
6 pursuant to section 99E.31, subsection 5, paragraphs
7 "e" and "g", are appropriated for use under this
8 paragraph. However, if the amount appropriated
9 exceeds two hundred fifty thousand dollars the excess
10 shall be reallocated under the account.

11 e. For the fiscal years beginning July 1, 1987 and
12 July 1, 1989 to the Iowa State University of science
13 and technology, the sum of one hundred fifty thousand
14 dollars for each fiscal year for allocation to the
15 Iowa State University water resource research
16 institute for a subsurface water and nutrient
17 management system. This research shall concentrate
18 its efforts on providing optimum soil water table
19 level throughout the growing season, reduction of
20 nitrates in Iowa's surface and subsurface waters,
21 reduction of Iowa's dependency on subsurface water for
22 irrigation, and increasing productivity of selected
23 Iowa soils for selected crops. The Iowa State
24 University water resource research institute shall
25 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.

28 f. For the fiscal year beginning July 1, 1989, to
29 the department of economic development, the sum of two
30 hundred twenty-one thousand dollars for the University
31 of Iowa and two hundred fifty thousand dollars for the
32 Iowa State University of science and technology for
33 the operation and maintenance of the university
34 related research parks.

35 g. For the fiscal year beginning July 1, 1989, to

36 the Iowa cooperative extension service in agriculture
37 and home economics at the Iowa State University of
38 science and technology, the sum of two hundred
39 thousand dollars to begin a three-year intensive
40 effort of technology transfer for the livestock
41 industry as provided in section 266.39A.
42 h. For the fiscal year beginning July 1, 1989, to
43 the department of economic development the sum of five
44 hundred thousand dollars for the energy-related
45 activities of the amorphous semiconductor project at
46 Iowa State University of science and technology.
47 Sec. 6. Section 99E.32, subsection 5, paragraphs
48 a, b, and j, Code 1989, are amended to read as
49 follows:
50 a. There is appropriated from the allotment made

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1 to the jobs now capitals account under subsection 1
2 for each of the fiscal years beginning July 1, 1986,
3 and July 1, 1987, and July 1, 1989 to the department
4 of education the sum of one million dollars for the
5 purposes and under the conditions specified in section
6 99E.31, subsection 5, paragraph "c".
7 b. There is appropriated from the allotment made
8 to the jobs now capitals account under subsection 1
9 for the fiscal year beginning July 1, 1986 to the
10 department of public safety for the acquisition and
11 interface with a fingerprint computer the sum of four
12 hundred thousand dollars. There is established an
13 automated fingerprint identification system (AFIS)
14 computer committee. This committee shall have the
15 authority to prepare and implement guidelines, rules,
16 and regulations pertaining to the placement, use, and
17 access to the AFIS computer and any remote terminal
18 designed to interface with the main computer located
19 at the department of public safety. The AFIS
20 committee will be chosen for two-year terms with four
21 sheriffs chosen by the Iowa state sheriffs and
22 deputies association and four chiefs of police chosen
23 by the Iowa police executive forum. The commissioner
24 of public safety, or the designee, will be chairperson
25 of the AFIS committee.
26 After the initial committee is selected effective
27 July 1, 1986, new members will serve staggered terms
28 of two years. Beginning July 1, 1988, the Iowa state
29 sheriffs and deputies association and the Iowa police
30 executive forum will each choose two new members, who
31 will make up the nine member AFIS committee.
32 Thereafter, the staggered terms will take effect

33 between the sheriffs' representatives and the police
 34 chiefs' representatives. Nothing herein shall limit
 35 the number of terms any one person may serve.
 36 For the fiscal year beginning July 1, 1988, there
 37 is appropriated to the department of public safety the
 38 sum of two hundred fifty thousand dollars for the
 39 automated fingerprint identification system. For the
 40 fiscal year beginning July 1, 1989, there is
 41 appropriated to the department of public safety the
 42 sum of four hundred ten thousand dollars for four
 43 remote automated fingerprint information system (AFIS)
 44 terminals.
 45 j. There is appropriated from the allotment to the
 46 jobs now capitals account under subsection 1 for
 47 construction, equipment, renovation, and other costs
 48 associated with buildings in the capitol complex the
 49 sum of two million seven hundred fifty thousand
 50 dollars for each of the fiscal years beginning July 1,

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1 1987; and July 1, 1988; and July 1, 1989 to the
 2 department of general services. Of the total funds
 3 appropriated, seven hundred fifty thousand dollars
 4 shall be utilized to pay costs of equipping the new
 5 historical building and the costs of moving exhibits
 6 into that building; and the remaining funds shall be
 7 used for renovation and remodeling of buildings in the
 8 capitol complex. Notwithstanding the amount otherwise
 9 appropriated and the purpose for which appropriated
 10 under this paragraph, for the fiscal year beginning
 11 July 1, 1988, there is appropriated one million five
 12 hundred thousand dollars to the department of general
 13 services for construction, equipment, renovation, and
 14 other costs associated with buildings in the capitol
 15 complex, of which two hundred thousand dollars is
 16 allocated for Terrace Hill, one hundred twenty-five
 17 thousand is allocated for planning and construction of
 18 a parking garage, five hundred thousand is allocated
 19 for the planning for legislative office space, and up
 20 to ten thousand dollars shall be used for the purchase
 21 of POW/MIA flags to be flown on all public buildings
 22 of public bodies that apply for the flags.
 23 Sec. 7. Section 99E.32, subsection 5, Code 1989,
 24 is amended by adding the following new lettered
 25 paragraphs:
 26 NEW PARAGRAPH, p. There is appropriated from the
 27 allotment to the jobs now capitals account under
 28 subsection 1 for the fiscal year beginning July 1,
 29 1989, to the Iowa state fair board the sum of four

30 hundred thousand dollars to provide facilities to
 31 house booths, displays, and other promotional
 32 activities for local tourism groups and organizations.
 33 NEW PARAGRAPH. q. There is appropriated from the
 34 allotment to the jobs now capitals account under
 35 subsection 1 for the fiscal year beginning July 1,
 36 1989, to the department of cultural affairs the sum of
 37 one million dollars to be deposited in the historical
 38 resource revolving fund to be used for the historical
 39 resource development program under section 303.16.
 40 NEW PARAGRAPH. r. There is appropriated from the
 41 allotment to the jobs now capitals account under
 42 subsection 1 for the fiscal year beginning July 1,
 43 1989, to the American Gothic House trust account the
 44 sum of one hundred thousand dollars for the
 45 acquisition and maintenance of Gothic House in Eldon.
 46 NEW PARAGRAPH. s. There is appropriated from the
 47 allotment to the jobs now capitals account under
 48 subsection 1 for the fiscal year beginning July 1,
 49 1989, to the Iowa department of public health the sum
 50 of two hundred fifty thousand dollars to finance

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1 research in the area of electromagnohydrodynamics
 2 ventricular assist devices of the Iowa center for
 3 applied sciences, a nonprofit corporation established
 4 under the laws of Iowa.
 5 NEW PARAGRAPH. t. There is appropriated from the
 6 allotment to the jobs now capitals account under
 7 subsection 1 for the fiscal year beginning July 1,
 8 1989, to the Iowa department of public health the sum
 9 of one million five hundred thousand dollars to
 10 provide grants, with the advice of the emergency
 11 medical services council, to emergency medical service
 12 providers for the purchase of emergency medical
 13 service equipment. Criteria shall be established by
 14 the department, with the advice of the council, two of
 15 which shall be need and amount of local match.
 16 Preference shall be given to voluntary ambulance
 17 service.
 18 NEW PARAGRAPH. u. There is appropriated from the
 19 allotment to the jobs now capitals account under
 20 subsection 1 for the fiscal year beginning July 1,
 21 1989, to a special events fund, the sum of one hundred
 22 thousand dollars to be used as one-time funding to
 23 assist in the start-up, promotion, continued
 24 operation, and organization of local tourism,
 25 recreational, or cultural special events. Not more

26 than twenty thousand dollars shall be awarded for any
27 event. Special events are those events of a nature
28 that occur not more than twice a year and include, but
29 are not limited to, hot air balloon races, fishing
30 tournaments, car racing meets, ethnic or seasonal
31 festivals, and concerts. Preference shall be given to
32 national events. In awarding grants priority shall be
33 given to those events where state funds will be
34 matched on at least a one-to-one basis with electronic
35 or other media advertising being provided to the
36 department of economic development for its tourism
37 marketing and promotion programs.
38 NEW PARAGRAPH. v. There is appropriated from the
39 allotment to the jobs now capitals account under
40 subsection 1 for the fiscal year beginning July 1,
41 1989, to the Iowa department of transportation the sum
42 of one hundred twenty-five thousand dollars, with
43 eighty percent of the appropriation being credited to
44 the city of Ventura and twenty percent of the
45 appropriation being credited to the city of Clear
46 Lake, for the completion of the road improvement
47 connecting East Lake drive and North Shore drive.
48 NEW PARAGRAPH. w. (1) There is appropriated from
49 the allotment to the jobs now capitals account under
50 subsection 1 for the fiscal year beginning July 1,

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1 1989, to the department of human rights the sum of
2 five hundred thousand dollars for the community-based
3 recreational and educational grant program.
4 (2) Of the amount appropriated under subparagraph
5 (1), four hundred thousand dollars shall be used as
6 follows:
7 (a) To provide state funds to encourage and
8 supplement recreational and educational activities for
9 low-income youth grades K-12 by filling existing gaps
10 in the current system of community-based recreational
11 and educational programs; establishing a comprehensive
12 network of services that are continuous and year-round
13 that focus on recreation and personal development
14 education for low-income youth grades K-12; and
15 providing recreational/educational programs for youth
16 from families with incomes no more than twenty percent
17 above the state poverty level.
18 (b) To be eligible for state funds under this sub-
19 paragraph the applicant must be a nonprofit
20 organization whose mission includes providing services
21 for low-income youth grades K-12; the activities must
22 be those not currently offered by the organization;

23 and the activities must be free of charge to all youth
24 who meet the income requirements. A nominal fee, at
25 cost, may be assessed to youth who do not meet the
26 stated income requirements. Grants will be awarded
27 based on the organization's demonstrated ability to
28 provide organized recreational or educational programs
29 or a combination of both.

30 (c) Eligible activities include, but are not
31 limited to, the following:

32 (i) Recreation: arts and crafts, such as pottery,
33 sewing, painting; swimming teams; bowling leagues;
34 tumbling/gymnastics; and volleyball, softball,
35 basketball, and tennis.

36 (ii) Education: Drama clubs; dance
37 lessons/troups; music lessons, such as piano, voice;
38 computer literacy; cultural enrichment reading;
39 creative writing; and employment skills.

40 (3) Of the amount appropriated under subparagraph
41 (1), one hundred thousand dollars shall be used for
42 exemplary social and community-organized projects
43 whose services are primarily targeted to minority
44 populations in the state.

45 Sec. 8. Section 99E.32, Code 1989, is amended by
46 adding the following new subsection:

47 NEW SUBSECTION. 9. There is appropriated to the
48 agencies named for the fiscal year beginning July 1,
49 1988, and ending June 30, 1989, the remaining moneys
50 in the surplus account after repayment to the

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1 permanent school fund in accordance with section
2 280C.8, to be used for the purposes designated:

3 a. To the Iowa state university of science and
4 technology for biodegradable plastics research, the
5 sum of three hundred ninety-eight thousand dollars.
6 As a condition, limitation, and qualification of the
7 appropriation made in this paragraph, one-third of the
8 funds appropriated in this paragraph shall be used for
9 researching the health and environmental impacts of
10 biodegradable plastics.

11 b. To the state university of Iowa for
12 biodegradable plastics research, the sum of one
13 hundred eighty-three thousand dollars.

14 c. To the university of northern Iowa for polymer
15 and elastomer recycling research, the sum of one
16 hundred thirty-one thousand dollars.

17 d. To the department of agriculture and land
18 stewardship:

19 (1) For development of biodegradable plastics

20 standards, the sum of seventy-five thousand dollars.

21 (2) For marketing of biodegradable plastics, the
22 sum of seventy-five thousand dollars.

23 e. To the department of natural resources for the
24 purposes of holding toxic waste cleanup days during
25 the fall of 1989:

26 \$ 400,000

27 To the extent practical, the department shall hold
28 at least one of the toxic cleanup days in each state
29 congressional district.

30 f. To the department of public safety or successor
31 drug enforcement agency for promoting, equipping, and
32 staffing a "Drug Tip Hotline":

33 \$ 50,000

34 g. To the department of public safety for not more
35 than the following full-time equivalent positions for
36 the purpose of enforcing 1989 Iowa Acts, Senate File
37 124:

38 \$ 300,000

39 FTEs 12.0

40 h. To the state racing and gaming commission for
41 not more than the following full-time equivalent
42 positions for regulation activities required pursuant
43 to 1989 Iowa Acts, Senate File 124:

44 \$ 100,000

45 FTEs 4.25

46 Sec. 9. NEW SECTION. 266.39A TECHNICAL
47 ASSISTANCE FOR LIVESTOCK INDUSTRY.

48 1. The general assembly finds that the livestock
49 industry is one of Iowa's greatest agricultural
50 strengths and perhaps the greatest value-added

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1 opportunity for the state. To assist in the
2 revitalization of Iowa's livestock industry, the
3 cooperative extension service in agriculture and home
4 economics, in cooperation with the Iowa agriculture
5 experiment station, shall begin a three-year intensive
6 effort of technology transfer as described in this
7 section.

8 2. The overall goal of technology transfer is to
9 maximize the economic potential of Iowa's livestock
10 industry by increasing efficiency and profitability of
11 production while protecting the quality of Iowa's
12 natural resources. Specific objectives are to:

13 a. Develop a broad base of technical resources to
14 support livestock and poultry producers in the areas
15 of business and finance, nutrition, health, marketing,
16 facilities, and environmental management.

17 b. Enhance abilities of local resource persons to
18 incorporate these broad-based technical resources into
19 on-going private activities.

20 c. Develop recommendations for best design and
21 animal waste management practices.

22 d. Demonstrate new technologies and best
23 management practices.

24 To accomplish these specific objectives, extension
25 specialists will employ four strategies.

26 3. The technical assistance service shall use
27 paraprofessionals to provide one-on-one assistance to
28 livestock producers in the areas of production records
29 programs, financial records programs, data analysis,
30 problem identification, and referrals to technical
31 specialists. The technical assistance service shall
32 identify a cadre of publicly supported and privately
33 supported specialists in a multicounty area who can
34 provide technical assistance in agricultural
35 engineering, animal nutrition and management of
36 ruminant, swine and poultry, animal health, farm
37 financial management, marketing, and soil/water/waste
38 management. These specialists shall become part of
39 local assistance teams to address specific problems,
40 with county and area extension staff providing
41 coordination. On campus, extension specialists and
42 researchers shall develop and apply new technologies
43 to solve specific problems.

44 4. Intensive training programs are to be developed
45 to improve management skills of livestock producers.
46 Training programs should include topics such as animal
47 nutrition, health, procurement and marketing,
48 financing, taxes, records, facilities, waste
49 management, contracts, labor, and feed mill
50 operations. Application of methods taught during

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1 these programs should occur in actual livestock
2 production settings.

3 5. An environmental study shall be conducted to
4 examine implications of livestock and poultry
5 production for human health, air quality, and ground
6 and surface water quality. Two faculty members shall
7 study and evaluate a sample of existing livestock and
8 poultry facilities for odor, particulates, gas data,
9 and other aspects of environmental control. Data
10 shall be collected in northern Europe, Iowa, and other
11 locations in the United States. Various types of
12 livestock production units such as totally enclosed,
13 partially enclosed and open lot systems, shall be

14 compared. Results shall be shared in educational
15 programs targeted to both animal producer groups and
16 the general public.

17 6. Demonstrations of new technology shall take
18 place and include on-farm trials or demonstrations to
19 ensure that new technologies and best management
20 practices are relevant to local producers.

21 Sec. 10. NEW SECTION. 280D.1 TITLE

22 This chapter shall be known and may be cited as the
23 "Iowa Rural Development Act".

24 Sec. 11. NEW SECTION. 280D.2 LEGISLATIVE INTENT.

25 It is the intent of the general assembly to assist
26 rural Iowa counties by establishing rural development
27 technical assistance centers in the rural part of
28 Iowa. The purpose of each center is to create and
29 stimulate economic development in rural Iowa by
30 educating, developing, and supporting potential
31 entrepreneurs by the creation of centers which provide
32 resources and expertise of local professionals,
33 business, and community leaders.

34 Sec. 12. NEW SECTION. 280D.3 ESTABLISHMENT.

35 As soon as practicable, the community colleges
36 located in the rural areas of the state are
37 responsible for establishing three rural development
38 technical assistance centers for the purpose of
39 carrying out the intent of this chapter. Assistance
40 may be sought from the department of economic
41 development in establishing these centers. The
42 department shall provide assistance, including grants
43 for start-up costs of the centers. Before the
44 department may provide financial assistance, the
45 community college shall develop a plan of action for
46 the center as to how duties and goals of the center
47 are to be accomplished. If the department approves
48 the plan of action, financial assistance shall be
49 provided. If the department does not approve a plan
50 of action, the community college may submit an

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1 alternative plan for the department's approval.

2 Sec. 13. NEW SECTION. 280D.4 DUTIES OF CENTERS.

3 Each center is charged with providing the following
4 programs:

5 1. Development of a support network to create and
6 promote entrepreneurship in the rural areas of the
7 counties of Iowa including but not limited to
8 assistance to rural displaced workers and minority
9 persons.

10 2. Coordination of the delivery of regional

11 economic development services with appropriate
 12 governmental units and agencies.
 13 3. Development of a financial support system to
 14 provide funding for new and expanding businesses.
 15 Sec. 14. This Act, being deemed of immediate
 16 importance, takes effect upon enactment.”
 17 2. Title page, lines 1 and 2, by striking the
 18 words “supplemental appropriations to agencies” and
 19 inserting the following: “appropriations”.

COMMITTEE ON APPROPRIATIONS
 JOE WELSH, Chairperson

S-4152

1 Amend House File 789, as passed by the House, as
 2 follows:
 3 1. Page 2, by striking lines 19 through 22, and
 4 inserting the following:
 5 “g. For the implementation of a competitive grant
 6 program to provide weatherization assistance to low-
 7 income individuals, from the Exxon fund:
 8 \$ 250,000
 9 h. For the continuation of energy conservation
 10 measures to group residences operated by nonprofit
 11 organizations serving low-income persons and for the
 12 continuation of the partnership in low-income
 13 residential retrofit program, from the Stripper Well
 14 fund:
 15 \$ 500,000”.
 16 2. Page 2, by inserting after line 29, the
 17 following:
 18 “i. For the development of the energy planning
 19 data base aspects of the natural resource geographic
 20 information system required by section 455E.8,
 21 subsection 6, in conjunction with the department of
 22 transportation, from the Exxon and Stripper Well
 23 funds:
 24 \$ 750,000”.
 25 3. Page 2, line 31, by striking the figure
 26 “300,000” and inserting the following: “200,000”.
 27 4. By relettering as necessary.

COMMITTEE ON APPROPRIATIONS
 JOE WELSH, Chairperson

S-4153

- 1 Amend House File 794, as amended, passed, and re-
2 printed by the House, as follows:
- 3 1. Page 3, by striking lines 28 through 33.
 - 4 2. Page 7, line 19, by striking the words
5 "executive director of the".
 - 6 3. Page 7, line 24, by striking the word "board"
7 and inserting the following: "state board of
8 education".
 - 9 4. Page 8, by striking lines 13 and 14 and in-
10 serting the following: "board. The board may enter
11 into reciprocity agreements with another".
 - 12 5. Page 9, line 26, by striking the words "the
13 executive director of".
 - 14 6. Page 9, line 27, by striking the words "execu-
15 tive director" and inserting the following: "board".
 - 16 7. Page 9, line 29, by striking the words "execu-
17 tive director" and inserting the following: "board".
 - 18 8. Page 10, line 1, by striking the words "execu-
19 tive director of the".
 - 20 9. By numbering as necessary.

DALE TIEDEN

S-4154

- 1 Amend Senate File 546 as follows:
- 2 1. Page 21, by inserting after line 31 the
3 following:
4 "Sec. ____ . Chapter 99E is repealed on July 1,
5 1995, other than to implement the winding down of the
6 operations of the Iowa lottery board."

MICHAEL E. GRONSTAL

S-4155

- 1 Amend the amendment, S-4151, to House File 785, as
2 amended, passed, and reprinted by the House, as
3 follows:
- 4 1. Page 11, by striking lines 27 through 49 and
5 inserting the following:
6 "____ . To the department of human services the sum
7 of two hundred fifty thousand dollars, or so much
8 thereof as is necessary, for grants of financial aid,
9 made pursuant to section 232.142, subsection 3, for

10 purposes of establishing, improving, operating, and
11 maintaining approved county and multicounty juvenile
12 detention homes. The department shall encourage the
13 recipients of the grants to serve the needs of
14 juveniles in multicounty areas."

CHARLES BRUNER

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 753

S-4156

1 Amend the Senate amendment, H-4438, to House File
2 753, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 2, by striking lines 12 through 29, and
5 inserting the following:
6 "____. Page 11, by striking lines 1 through 4 and
7 inserting the following: "the road use tax fund. The
8 director of the".
9 2. Page 2, line 35, by striking the words
10 "calendar year" and inserting the following: "month".
11 3. Page 2, line 40, by striking the words
12 "calendar year." and inserting the following: "month.
13 One-half of the funds deposited in the waste volume
14 reduction and recycling fund during each quarter
15 beginning January 1, 1990, shall be allocated to each
16 county based on the amount of the registration fees
17 collected pursuant to this subsection and reported to
18 the department of revenue and finance by that county.
19 The allocation shall be deposited in the county's
20 general fund to be used for waste volume reduction and
21 recycling projects which projects may be done in
22 cooperation with the efforts of other local units of
23 government. The use of the moneys by the county for
24 these projects may demonstrate an intent to comply
25 with the requirements of section 455B.306 which would
26 enable the county to be eligible for grants from the
27 waste volume reduction and recycling fund under
28 section 455D.15. In order for the county to ensure
29 that the department will be aware of these projects,
30 the county shall file an annual report with the
31 department delineating the uses for which the moneys
32 retained from the environmental assessment fee were
33 spent."

34 4. Page 5, by striking lines 1 through 7, and
 35 inserting the following:
 36 "Sec. ____ . Section 455B.306, Code 1989, is amended
 37 by adding the following new subsection:
 38 NEW SUBSECTION. 6. When a proposed plan is
 39 subject to review and approval by several state and
 40 local agencies, if the plan is substantially modified
 41 after approval by an agency, the plan shall be
 42 resubmitted as a new proposal to all other agencies to
 43 ensure that all agencies have approved the same plan."
 44 5. By renumbering as necessary.

S-4157

1 Amend amendment, S-4151, to House File 785, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 17, line 49, by striking the words
 5 "department of public health" and inserting the
 6 following: "product development fund".
 7 2. Page 18, by striking lines 1 through 4, and
 8 inserting the following: "research by a nonprofit
 9 corporation established under the laws of Iowa in the
 10 area of electromagnohydrodynamics ventricular assist
 11 devices."

CHARLES BRUNER
 JIM RIORDAN

S-4158

1 Amend amendment, S-4151, to House File 785, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 17, line 19, by inserting after the word
 5 "space" the following: "not to include offices for
 6 legislators outside of the capitol building".

JIM LIND

HOUSE AMENDMENT TO
 SENATE FILE 536

S-4159

1 Amend Senate File 536, as amended, passed, and
 2 reprinted by the Senate, as follows:

- 3 1. Page 4, by striking lines 18 through 21.
- 4 2. Page 5, line 10, by striking the word "full-
- 5 time".
- 6 3. Page 5, by striking line 28.
- 7 4. Page 6, by striking lines 15 through 17.
- 8 5. Page 6, line 22, by inserting after the word
- 9 "transportation," the following: "executive secretary
- 10 of the state board of regents,".

S-4160

- 1 Amend House File 600, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 2, by inserting after line 35 the fol-
- 4 lowing:
- 5 "Sec. ____ . Section 455B.307, Code 1989, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 1A. Consistent with subsection 1,
- 8 a person shall not dump or deposit, or permit the
- 9 dumping or depositing of solid waste on a farm unless
- 10 a permit for the dumping or depositing has been issued
- 11 by the department. Notwithstanding this prohibition,
- 12 however, a person, who has dumped or deposited solid
- 13 waste other than hazardous waste on a farm, which was
- 14 generated on that farm, and who has not received a
- 15 permit for the dumping or depositing, shall not be
- 16 required to remove the solid waste deposited prior to
- 17 July 1, 1989, provided that all of the following
- 18 conditions are met:
- 19 a. The owner of the land upon which the existing
- 20 open dump is located has notified the county board of
- 21 supervisors of the existence of the site, has
- 22 identified the location of the site by accepted
- 23 references to the section, township, range, and has
- 24 certified that to the best of the person's knowledge
- 25 no hazardous waste was disposed of at the site. If,
- 26 to the best of the person's knowledge, no hazardous
- 27 waste has been disposed of at the site, the notice
- 28 shall include a statement that the site has been
- 29 properly covered as provided in paragraph "b".
- 30 Notification shall be submitted to the board of
- 31 supervisors of the county in which the site is
- 32 located, no later than October 1992.
- 33 b. A site covered, without the solid waste having
- 34 been removed shall be compacted to the extent
- 35 possible, and completely covered with dirt. Surface
- 36 water shall be diverted, where necessary to maintain
- 37 the cover, and the cover shall be seeded to establish
- 38 vegetation.

39 c. A person who has established a site on a farm
 40 for which the board of supervisors has not received
 41 notification, or a person establishing a site on a
 42 farm at which disposal or dumping occurs after July 1,
 43 1989, shall remove all solid waste and dispose of the
 44 solid waste at a permitted site.
 45 A person who complies with the provisions of this
 46 subsection is not subject to the penalties provided
 47 under this section."
 48 2. By renumbering as necessary.

EUGENE FRAISE

S-4161

1 Amend House File 795, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, line 16, by inserting after the words
 4 "spraying of" the following: "residual".
 5 2. Page 2, line 20, by inserting after the word
 6 "feed." the following: "However, this section does
 7 not prohibit the use of pesticides necessary to
 8 control noxious weeds, as defined in section 317.1."

RICHARD F. DRAKE
 ALVIN V. MILLER
 LEONARD L. BOSWELL

S-4162

1 Amend House File 791, as passed by the House, as
 2 follows:
 3 1. Page 1, by inserting before line 1, the
 4 following:
 5 "Section 1. Section 46.14, Code 1989, is amended
 6 to read as follows:
 7 46.14 NOMINATION.
 8 Each judicial nominating commission shall carefully
 9 consider the individuals available for judge, and
 10 within sixty days after receiving notice of a vacancy
 11 shall certify to the governor and the chief justice
 12 the proper number of nominees, in alphabetical order.
 13 Such nominees shall be chosen by the affirmative vote
 14 of a majority of the full statutory number of
 15 commissioners upon the basis of their qualifications
 16 and without regard to political affiliation. Nominees
 17 shall be members of the bar of Iowa, shall be
 18 residents of the state or district of the court to

19 which they are nominated, and shall be of such age
20 that they will be able to serve an initial and one
21 regular term of office to which they are nominated
22 before reaching the age of seventy-two years.
23 Nominees for district judge shall file a certified
24 application form, to be provided by the supreme court,
25 with the chairperson of the district judicial
26 nominating commission. No person shall be eligible
27 for nomination by a commission as judge during the
28 term for which the person was elected or appointed to
29 that commission. Absence of a commissioner or vacancy
30 upon the commission shall not invalidate a nomination.
31 The chairperson of the commission shall promptly
32 certify the names of the nominees, in alphabetical
33 order, to the governor and the chief justice.
34 Sec. ____ . Section 602.6305, subsection 2, Code
35 1989, is amended to read as follows:
36 2. A person does not qualify for appointment to
37 the office of district associate judge unless the
38 person is at the time of application a resident of the
39 county in which the vacancy exists, and unless the
40 person is licensed to practice law in Iowa, and unless
41 the person will be able, measured by the person's age
42 at the time of appointment, to complete the initial
43 term of office plus a four-year term of office prior
44 to reaching age seventy-two. An applicant for
45 district associate judge shall file a certified
46 application form, to be provided by the supreme court,
47 with the chairperson of the county magistrate
48 appointing commission.
49 Sec. ____ . Section 602.6403, subsection 2, Code
50 1989, is amended to read as follows:

Page 2

1 2. The magistrate appointing commission for each
2 county shall prescribe the contents of an application,
3 in addition to any application form provided by the
4 supreme court, for an appointment pursuant to this
5 section. The commission shall publicize notice of any
6 vacancy to be filled in at least two publications in
7 the official county newspaper. The commission shall
8 accept applications for a minimum of fifteen days
9 prior to making an appointment, and shall make
10 available during that period of time any printed
11 application forms the commission prescribes.”
12 2. Page 1, by inserting after line 13, the
13 following:
14 “Sec. ____ . Section 602.6404, subsection 2, Code
15 1989, is amended to read as follows:

- 16 2. A person is not qualified for appointment as a
 17 magistrate unless the person files a certified
 18 application form, to be provided by the supreme court,
 19 with the chairperson of the county magistrate
 20 appointing commission. A person is not qualified for
 21 appointment as a magistrate unless the person can
 22 complete the entire term of office prior to reaching
 23 age seventy-two.”
- 24 3. Title page, line 1, by inserting after the
 25 words “relating to” the following: “the application
 26 process for judges and magistrates and”.
- 27 4. By renumbering as necessary.

JOE J. WELSH

S-4163

- 1 Amend House File 799, as amended, passed, and
 2 reprinted by the House, as follows:
- 3 1. Page 3, by striking lines 6 through 8.
 4 2. Page 3, line 9, by striking the figure “2”.
 5 3. Page 3, by striking lines 11 and 12.

COMMITTEE ON APPROPRIATIONS
 JOE WELSH, Chairperson

S-4164

- 1 Amend House File 795, as amended, passed, and
 2 reprinted by the House, as follows:
- 3 1. Page 2, line 16, by inserting after the words
 4 “spraying of” the following: “residual”.
 5 2. Page 2, line 20, by inserting after the word
 6 “feed.” the following: “However, this section does
 7 not prohibit the use of pesticides necessary to
 8 control noxious weeds, as defined in section 317.1.”

COMMITTEE ON APPROPRIATIONS
 JOE WELSH, Chairperson

S-4165

- 1 Amend amendment, S-4151, to House File 785, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
- 4 1. Page 5, line 21, by striking the words “Of
 5 the”.

- 6 2. Page 5, by striking lines 22 through 26.
- 7 3. By striking page 22, line 21, through page 23,
- 8 line 14.

LEONARD BOSWELL

S-4166

- 1 Amend House File 795 as follows:
- 2 1. Page 1, by inserting after line 28 the
- 3 following:
- 4 "As a condition, limitation, and qualification of
- 5 the appropriation from the general fund under subsec-
- 6 tion 3 of this section, the department shall not
- 7 disclose nonactionable results of tests conducted for
- 8 the enforcement of chapter 191 or 192, unless the
- 9 disclosure is to the person whose products are being
- 10 tested."

DALE L. TIEDEN
WILMER RENSINK
BERL E. PRIEBE

S-4167

- 1 Amend House File 795, 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. ____ . Section 192.13, Code 1989, is amended
- 6 to read as follows:
- 7 192.13 TRADE SECRETS PROTECTED.
- 8 It shall be unlawful for any person who in an
- 9 official capacity obtains any information under the
- 10 provisions of this chapter or chapter 191 which is
- 11 entitled to protection as a trade secret, ~~including or~~
- 12 nonactionable information ~~as relating~~ to quantity,
- 13 quality, source or disposition of milk or milk
- 14 products, or the nonactionable results of inspections
- 15 or tests thereof, to use such information to the
- 16 person's own advantage or to reveal it to any
- 17 unauthorized person."
- 18 2. Title page, line 1, by inserting after the
- 19 word "appropriations," the following: "providing for

20 confidentiality.”

21 3. By renumbering as necessary.

DALE TIEDEN
WILMER RENSINK
BERL E. PRIEBE

S-4168

- 1 Amend amendment, S-4151, to House File 785, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 20, line 38, by striking the figure
5 “300,000” and inserting the following: “400,000”.
6 2. Page 20, line 39, by striking the figure
7 “12.0” and inserting the following: “16.0”.

CALVIN O. HULTMAN

S-4169

- 1 Amend amendment, S-4151, to House File 785, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 19, by inserting after line 44, the
5 following:
6 “NEW PARAGRAPH. x. There is appropriated from the
7 allotment to the jobs now capitals account under
8 subsection 1 for the fiscal year beginning July 1,
9 1989, to a special fund in the office of the treasurer
10 of state to be used by the division of banking of the
11 department of commerce to pay claims, as a result of
12 the failure of three industrial loan institutions, to
13 cover deposits of ten thousand dollars or less made on
14 the industrial loan thrift guaranty corporation of
15 Iowa. Notwithstanding section 8.33 or section 99E.32,
16 subsection 7, unobligated or unencumbered funds
17 remaining on January 1, 1990, from the appropriation
18 made under this paragraph shall revert on January 1,
19 1990, to the Iowa plan fund and shall be available for
20 allotment under subsections 2, 3, and 4 of this
21 section.”

JIM LIND

HOUSE AMENDMENT TO
SENATE FILE 361

S-4170

1 Amend Senate File 361, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 14 through 18 and
4 inserting the following:

5 "3. "Financial institution" means financial
6 institution as defined in section 535A.1."

7 2. Page 3, line 15, by inserting after the word
8 "mortgagor." the following: "A reverse annuity
9 mortgage shall provide that the mortgagor or
10 mortgagors of the property shall retain a life estate
11 in the property until the death of the mortgagor or
12 all of the mortgagors, notwithstanding that the
13 annuity may expire prior to the end of the life
14 estate, depending upon the terms of the annuity."

15 3. Page 5, line 4, by striking the word "plan".

16 4. Page 5, line 8, by striking the words "up to
17 two million dollars in".

18 5. By renumbering, relettering, or redesignating
19 and correcting internal references as necessary.

S-4171

1 Amend Senate File 546 as follows:

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

4 "a. "Capital project" means a project funded by
5 state appropriations or bonding authorized by the
6 general assembly with a cost of two hundred fifty
7 thousand dollars or more undertaken by the state or
8 a".

9 2. Page 3, line 24, by inserting after the word
10 "funds" the following: "or capital projects funded by
11 nonstate grants, gifts, or contracts obtained at or
12 through state universities, if the projects do not
13 require a commitment of additional state resources for
14 maintenance, operations, or staffing".

15 3. Page 3, line 28, by striking the words "one
16 hundred" and inserting the following: "two hundred
17 fifty".

18 4. Page 4, line 35, by striking the word
19 "September" and inserting the following: "October".

20 5. Page 5, line 6, by striking the word

21 "September" and inserting the following: "October".
 22 6. Page 21, line 3, by striking the words
 23 "without delay." and inserting the following: "within
 24 five days of the receipt of the report. Nothing in
 25 this subsection requires nor in the procedures
 26 established by the director shall require prior
 27 notification to the director of the state agency's
 28 intent to apply or the state agency's applying for
 29 federal, private or nonstate funds for a capital
 30 project."

RICHARD VARN
 LARRY MURPHY
 JOE WELSH

S-4172

1 Amend amendment, S-4151, to House File 785, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 19, line 9, by inserting after the word
 5 "gaps" the following: "and permitting expansion".
 6 2. Page 19, line 22, by inserting after the word
 7 "organization" the following: " or if currently
 8 offered is demonstrably underfunded,".

JIM LIND
 TOM MANN, Jr.

S-4173

1 Amend amendment, S-4151, to House File 785, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 18, line 4, by inserting after the word
 5 "Iowa." the following: "The department of public
 6 health may enter into an agreement with the Iowa
 7 product development corporation to provide technical
 8 assistance and oversight for this project."

JIM RIORDAN

S-4174

1 Amend House File 799, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 8, by inserting after line 7, the

4 following:
5 "PUBLIC BROADCASTING DIVISION
6 Sec. ____ . There is appropriated from the general
7 fund of the state to the public broadcasting division
8 of the department of cultural affairs for the fiscal
9 year beginning July 1, 1989, and ending June 30, 1990,
10 the following amount, or so much thereof as is
11 necessary, to be used for the purposes designated:
12 For implementation of a two-way audio and one-way
13 video educational telecommunications system in
14 southwest Iowa:
15 \$ 600,000
16 Moneys appropriated in this section shall be used
17 to match federal funds available for that purpose.
18 Notwithstanding the restrictions of section 18.136, if
19 1989 Iowa Acts, House File 774, is enacted by the
20 general assembly, moneys appropriated in this section
21 may be used for the purposes designated in this
22 section."

CALVIN O. HULTMAN

S-4175

1 Amend the amendment, S-4163, to House File 799, 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 2, by inserting after line 35 the
7 following:
8 "Sec. ____ . BONDING AUTHORIZATION. The general
9 assembly declares that the state board of regents has
10 met the requirements of section 262A.3 regarding the
11 preparation and submission to the general assembly of
12 the proposed ten-year building program for each
13 institution of higher learning under the jurisdiction
14 of the state board of regents, and the general
15 assembly hereby approves that ten-year building
16 program as submitted. The general assembly finds that
17 the projects contained in the building program are
18 deemed necessary for the proper performance of the
19 instructional, research, and service functions of the
20 institutions, pursuant to section 262A.4, and to
21 further the educational objectives of the
22 institutions, the general assembly authorizes the
23 state board of regents during the fiscal year
24 beginning July 1, 1989, to undertake, plan, construct,
25 equip, and otherwise carry out at the institutions of

26 higher learning under the jurisdiction of the board
27 all of the projects listed in this section, and the
28 general assembly authorizes the state board of regents
29 to borrow money and to issue and sell negotiable
30 revenue bonds in the manner provided in sections
31 262A.5 and 262A.6 in order to pay all or any part of
32 the cost of carrying out the projects at any
33 institution, and the cost of issuance of bonds, in a
34 total amount not exceeding \$43,015,000, the remaining
35 cost of the projects to be financed by capital
36 appropriations or by federal or other funds lawfully
37 available. The negotiable revenue bonds shall be
38 payable solely from and secured by an irrevocable
39 pledge of a sufficient portion of the student fees and
40 charges and institutional income received by the
41 particular institution. No commitment is implied or
42 intended by approval of the general assembly to fund
43 any portion of the proposed ten-year building program
44 submitted by the state board of regents beyond the
45 projects listed in this section.
46 During the biennium which commences July 1, 1989,
47 and which ends June 30, 1991, the maximum amount of
48 bonds which the state board of regents expects to
49 issue under chapter 262A pursuant to this section,
50 unless additional bonding is authorized, is

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1 \$43,015,000, all or any part of which may be issued
2 during the fiscal year ending June 30, 1990, and if
3 all of that amount should not be issued during that
4 fiscal year, any remaining balance may be issued
5 during the fiscal year ending June 30, 1991.
6 The general assembly hereby approves the plan of
7 financing contained in this section and authorizes the
8 issuance of bonds under this section and chapter 262A
9 for the following projects in the following priority
10 order:
11 1. For agronomy building equipment at Iowa state
12 university of science and technology, in an amount not
13 exceeding \$1,000,000.
14 2. For McLean hall remodeling at the state
15 university of Iowa, in an amount not exceeding
16 \$1,275,000.
17 3. For classroom office building equipment at the
18 university of northern Iowa, in an amount not
19 exceeding \$1,000,000.
20 4. For planning for the academic building at the
21 state university of Iowa, in an amount not exceeding
22 \$1,000,000.

23 5. For construction and equipment for the academic
24 building at the state university of Iowa, in an amount
25 not exceeding \$22,100,000.

26 6. For the library addition new construction and
27 equipment at the university of northern Iowa, in an
28 amount not exceeding \$7,000,000.

29 7. For livestock units for swine and cattle at
30 Iowa state university of science and technology, in an
31 amount not exceeding \$2,000,000.

32 8. For Gilman hall remodeling and equipment at
33 Iowa state university of science and technology, in an
34 amount not exceeding \$7,040,000.

35 9. For pharmacy building planning at the
36 university of northern Iowa, in an amount not
37 exceeding \$600,000.

38 If the amount of bonds issued under this section
39 for a project exceeds the actual cost of that project
40 approved in this section, the amount of the difference
41 shall be used to pay the principal and interest due on
42 bonds issued under chapter 262A.””

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

45 “ ____ . Page 3, by inserting after line 27, the
46 following:

47 “PUBLIC BROADCASTING DIVISION

48 Sec. ____ . There is appropriated from the general
49 fund of the state to the public broadcasting division
50 of the department of cultural affairs for the fiscal

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1 year beginning July 1, 1989, and ending June 30, 1990,
2 the following amount, or so much thereof as is
3 necessary, to be used for the purposes designated:

4 For implementation of a two-way audio and one-way
5 video educational telecommunications system in
6 southwest Iowa:

7 \$ 600,000

8 Moneys appropriated in this section shall be used
9 to match federal funds available for that purpose.
10 Notwithstanding the restrictions of section 18.136, if
11 1989 Iowa Acts, House File 774, is enacted by the
12 general assembly, moneys appropriated in this section
13 may be used for the purposes designated in this
14 section.””

15 3. Page 1, by inserting after line 5 the
16 following:

17 “ ____ . Page 8, by inserting after line 7 the
18 following:

19 “Sec. ____ . For the purposes of section 18.136,

20 subsection 5, if House File 774 is enacted by the
 21 general assembly, the department of management and the
 22 legislative council shall determine that the
 23 anticipated financial resources of the state are
 24 adequate if there is an ending balance in the general
 25 fund of the state for the fiscal year beginning July
 26 1, 1988, of eighty million dollars or more.””
 27 4. Page 1, by inserting after line 5 the
 28 following:
 29 “___ . Title page, line 4, by inserting after the
 30 word “authority” the following: “and the
 31 authorization for the issuance of revenue bonds.””

JOE WELSH

S-4176

1 Amend amendment, S-4151, to House File 785, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 20, by inserting after line 33, the
 5 following:
 6 “Notwithstanding section 8.39, funds appropriated
 7 under this paragraph are not subject to transfer.”

JOE J. WELSH

S-4177

1 Amend amendment, S-4151, to House File 785, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 5, line 4, by striking the word
 5 “~~incubators~~” and inserting the following: “incubators
 6 or”.
 7 2. Page 5, line 7, by striking the word
 8 “~~incubators~~” and inserting the following: “incubators
 9 or”.
 10 3. Page 5, line 10, by striking the words
 11 “~~universities,~~” and inserting the following:
 12 “universities,”.
 13 4. Page 5, line 11, by striking the words “~~, and~~
 14 ~~local communities~~” and inserting the following: “
 15 and local communities”.
 16 5. Page 5, line 13, by striking the word
 17 “~~incubator’s~~” and inserting the following:
 18 “incubator’s or”.
 19 6. Page 5, line 16, by striking the word

20 "incubator" and inserting the following: "incubator
21 or".

22 7. Page 5, by striking lines 17 through 19 and
23 inserting the following: "in becoming self-
24 sufficient. The local community, university, or
25 college is required to provide a twenty-five percent
26 match of the state's grant. For".

27 8. Page 11, by striking lines 1 through 3 and in-
28 serting the following: "organizations established for
29 an area for the purpose of providing for economic
30 and".

31 9. Page 11, lines 5 and 6, by striking the words
32 "and organizations".

33 10. Page 18, line 35, by inserting after the
34 words "to the" the following: "event."

35 11. Page 18, by striking lines 36 and 37.

LEONARD L. BOSWELL

S-4178

1 Amend amendment, S-4151, to House File 785, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 14, line 1, by striking the words
5 "establish a" and inserting the following: "establish
6 and operate the".

7 2. Page 14, line 3, by inserting after the word
8 "universities" the following: "established".

9 3. Page 14, line 6, by inserting before the word
10 "Of" the following: "The department of economic
11 development and the consortiums shall coordinate
12 activities relating to purposes of chapter 262B."

13 4. Page 14, line 22, by striking the word "Iowa".

14 5. Page 14, line 23, by inserting after the word
15 "developers" the following: "of Iowa".

16 6. Page 14, line 26, by striking the word "for"
17 and inserting the following: "to the international
18 network on trade fund of".

19 7. Page 14, line 27, by inserting after the word
20 "foundation" the following: ", established in 1989
21 Iowa Acts, House File 686.".

22 8. Page 14, lines 28 and 29, by striking the
23 words "Iowa science and technology foundation" and
24 inserting the following: "Wallace technology transfer
25 foundation of Iowa established in 1989 Iowa Acts,
26 House File 686".

LEONARD BOSWELL

S-4179

1 Amend the amendment, S-4160, to House File 600 as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, line 32, by inserting after the letter
5 "b." the following: "A person shall, prior to
6 covering a site, contact and cooperate with the local
7 soil and water conservation district office regarding
8 proper coverage, water diversion, and cover
9 maintenance."

EUGENE FRAISE

S-4180

1 Amend the amendment, S-4151, to House File 785 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 11, by striking lines 17 through 20.
4 2. Page 19, by inserting after line 44 the
5 following:
6 "NEW PARAGRAPH. x. There is appropriated from the
7 allotment to the jobs now capitals account under
8 subsection 1 for the fiscal year beginning July 1,
9 1989, to the Terrace Hill commission the sum of fifty
10 thousand dollars for landscaping, painting, equipment,
11 repairs, renovations and furnishings at Terrace Hill."

JOE WELSH

S-4181

1 Amend amendment, S-4151, to House File 785, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 2, by inserting after line 11 the
5 following:
6 "Sec. ____ . Section 99E.32, subsection 2, paragraph
7 b, subparagraph (3), Code 1989, is amended to read as
8 follows:
9 (3) The quality of jobs to be provided. Jobs that
10 have a higher wage scale, have a lower turnover rate,
11 are full-time, or are career-type positions are
12 considered higher in quality. Businesses that have
13 wage scales substantially below that of existing Iowa
14 businesses in that area should be rated as providing
15 the lowest quality of jobs and should therefore be

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or televising is done at the racetrack of the licensee on a day and during the time, when there is a horse or dog racing meet being held at the racetrack."

3. Page 2, line 25, by inserting after the word "dog" the following: "or horse".

4. Page 4, by striking lines 7 through 13.

5. Page 4, by inserting before line 14 the following:

"Sec. — . Section 99D.14, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Any property used in the operation of a racetrack which is not exempt from property tax on July 1 following the effective date of this Act or which becomes taxable property as a result of a court decision or change of ownership, or the construction of a new track that is not otherwise exempt shall be exempt from property taxation for three years beginning January 1 of the assessment year in which this Act becomes effective or beginning January 1 of the assessment year in which the property first becomes taxable as a result of a court decision or change in ownership, or the construction of a new track that is not otherwise exempt, whichever is applicable. During the last assessment year for which the property is exempt, the county board of supervisors shall present the question of the extension for an additional ten years of the tax exemption at a regular state election or a special election. If a majority of those voting on the question favor the tax exemption of the property, the property shall be exempt for an additional ten years. The exemption may be extended for additional ten-year periods in the same manner as was done for the first ten-year period."

6. Page 6, by striking lines 23 through 25 and inserting the following:

"2. A contracted organization selected under subsection 1 shall, to the extent funding and space are available, identify dogs that are potential candidates for adoption. The contracting organization shall evaluate dogs referred to it under the program".

7. Page 8, by striking lines 3 through 5, and inserting the following:

"8. The state, state personnel, the contracting organization, and its personnel are not liable for any claim resulting from the implementation of this program."

8. Page 8, by striking line 13.

9. Page 8, by striking lines 21 through 23.

10. By renumbering, relettering, or redesignating and correcting internal references as necessary.

On the Part of the Senate:

LARRY MURPHY, Chair
 GEORGE KINLEY
 BERL PRIEBE
 CALVIN HULTMAN
 JIM LIND

On the Part of the House:

TONY BISIGNANO, Chair
 PHIL WISE
 PHIL BRAMMER
 JOSEPH KREMER
 BILL ROYER

REPORT OF THE CONFERENCE COMMITTEE
 ON SENATE FILE 363

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 difference between the Senate and the House of Representatives on Senate

File 363, a bill for An Act relating to and making supplemental appropriations to the auditor of state, department of general services, department of human services, college aid commission, state board of regents, Iowa department of public health, department of commerce, department of corrections, judicial department, department of cultural affairs, Iowa state fair authority, department of agriculture and land stewardship, department of natural resources, department of public defense, state department of transportation, and council of state governments for the remainder of the fiscal year ending June 30, 1989, and providing an effective date, respectfully make the following report:

- 1. That the Senate recede from its amendment, H-4233.
- 2. That the House recede from its amendment, S-3854.
- 3. That Senate File 363, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 3, line 5, by striking the figure "2,600,000" and inserting the following: "2,200,000".

2. Page 3, line 9, by striking the figure "300,000" and inserting the following: "600,000".

3. Page 3, line 17, by striking the figure "1,000,000" and inserting the following: "1,200,000".

4. Page 8, line 15, by striking the word "April" and inserting the following: "March".

5. Page 8, line 18, by striking the word "April" and inserting the following: "March".

6. Page 8, by inserting after line 18 the following:

"Sec. ____ . 1988 Iowa Acts, chapter 1276, section 1, subsection 1, is amended to read as follows:

1. For aid to families with dependent children:

.....	\$ 48,328,449
	<u>47,328,449</u>

Sec. ____ . 1988 Iowa Acts, chapter 1276, section 11, is amended to read as follows:

SEC. 11. MENTAL HEALTH INSTITUTES. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1988, and ending June 30, 1989, to the department of human services for the state mental health institutes, the following amount, or so much thereof as is necessary, to be used for salaries and support for not more than one thousand one hundred ninety-one point sixteen full-time equivalent positions, maintenance, and miscellaneous purposes:

.....	\$ 38,153,000
	<u>38,353,000</u>

The state mental health institutes may exceed the specified number of full-time equivalent positions if the additional positions are specifically related to licensing, certification, or accreditation standards, or citations. The department shall notify the legislative fiscal bureau if the specified number is exceeded. The notification shall include an estimate of the number of full-time equivalent positions added and the fiscal effect of the addition.

Sec. ____ . 1988 Iowa Acts, chapter 1276, section 17, unnumbered paragraph 1, is amended to read as follows:

There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1988, and ending June 30, 1989, to the department of human

services the following amount, or so much thereof as is necessary, to be used for supplemental payments of child care costs:

..... \$ 3,500,000
2,100,000

Sec. ____ . 1988 Iowa Acts, chapter 1276, section 21, unnumbered paragraph 1, is amended to read as follows:

There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1988, and ending June 30, 1989, to the department of human services, the following amount, or so much thereof as is necessary, to be used beginning on or before October 1, 1988, for supplemental payments of the child care costs of persons who qualify for transitional child care assistance for a period of twelve months due to a loss of eligibility for assistance under chapter 239 because of an increase in earned income:

..... \$ 2,100,000
500,000

Sec. ____ . There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For start-up costs associated with the development of juvenile emergency shelters and group homes for the placement of juveniles who have a high risk of the commission of a crime or a delinquent act and who need placement out-of-home and need specialized programs such as substance abuse or education programs:

..... \$ 1,000,000

The provisions of section 8.33 do not apply to the funds appropriated in this section. The unobligated and unencumbered funds remaining on March 30, 1990, from the funds appropriated in this section shall revert to the general fund of the state on March 30, 1990."

7. Page 9, line 10, by striking the word "April" and inserting the following: "March".

8. Page 9, line 13, by striking the word "April" and inserting the following: "March".

9. Page 10, line 12, by inserting after the word "rewiring" the following: "and connection to the city sewer system".

10. Page 10, by inserting after line 30 the following:

"Sec. ____ . There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries for correctional officers:

..... \$ 82,086

a. As a condition, limitation, qualification of the appropriation made in this subsection, \$7,711 shall be used to employ two additional correctional officers at the Ft. Madison correctional facility, \$23,693 shall be used to employ five additional correctional officers and one additional correctional counselor at the Anamosa correctional facility, \$4,415 shall be used to employ one additional correctional counselor at the Oakdale correctional facility, \$3,856 shall be used to employ one additional correctional officer at the Newton correctional facility, \$7,711 shall be used to employ an additional two correctional officers at the Mt. Pleasant

correctional facility, \$7,711 shall be used to employ two additional correctional officers at the Clarinda correctional facility, \$19,278 shall be used to employ five additional correctional officers at the Mitchellville correctional facility, and \$7,711 shall be used to employ two additional correctional officers at the Rockwell City correctional facility.

b. Notwithstanding section 8.39, funds appropriated in this subsection shall be used for the salaries of those correctional officers employed pursuant to paragraph "a" and the funds are not subject to transfer between correctional facilities.

2. For support and miscellaneous purposes of the correctional facilities:

..... \$ 673,102

Sec. ____ . There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as is necessary, to be allocated as follows:

1. For the second judicial district department of correctional services, the following amount, or so much thereof as is necessary, to be used for the OWI program:

..... \$ 14,888

2. For the third judicial district department of correctional services, the following amount, or so much thereof as is necessary, to be used for the OWI program:

..... \$ 7,000

3. For the sixth judicial district department of correctional services, the following amount, or so much thereof as is necessary, to be used for the OWI program:

..... \$ 15,280"

11. Page 11, line 10, by inserting after the word "in" the following: "subsection 3 of".

12. Page 11, line 15, by striking the word "April" and inserting the following: "March".

13. Page 11, line 18, by striking the word "April" and inserting the following: "March".

14. Page 11, by inserting after line 18 the following:

"Sec. ____ . There is appropriated from the general fund of the state to the judicial department for the fiscal period beginning July 1, 1988, and ending March 30, 1990, the following amounts, or so much thereof as is necessary for the purposes designated:

For the development of a computer system for the state's judicial system:

..... \$ 3,400,000

The provisions of section 8.33 do not apply to the funds appropriated in this section. The unobligated and unencumbered funds remaining on March 30, 1990, from the funds appropriated in this section shall revert to the general fund of the state on March 30, 1990.

Sec. ____ . Notwithstanding any other provision of law, the department of inspections and appeals shall pay any claims for indigent defense and juvenile defense remaining unpaid at the close of fiscal year 1989 from funds appropriated to the department for fiscal year 1990."

15. Page 11, by striking lines 31 and 32.

16. Page 12, line 18, by striking the word "April" and inserting the following:

“March”.

17. Page 12, line 21, by striking the word “April” and inserting the following: “March”.

18. Page 13, by inserting after line 31 the following:

“Sec. ____ . There is appropriated from the general fund of the state to the department of cultural affairs for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the replacement of the old IPBN channel 12 transmitter:

..... \$ 500,000

Notwithstanding section 8.39, funds appropriated under this section shall only be used for the purposes designated and are not subject to transfer.

Notwithstanding section 8.33, unobligated and unencumbered funds from moneys appropriated in this section remaining on June 30, 1989, shall not revert to the general fund of the state but shall remain available for expenditure during the fiscal year beginning July 1, 1989, for the same purpose.”

19. Page 14, line 10, by striking the word “April” and inserting the following: “March”.

20. Page 14, line 12, by striking the word “April” and inserting the following: “March”.

21. Page 16, by inserting after line 10 the following:

“Sec. ____ . Notwithstanding section 8.33, unencumbered and unobligated funds remaining from the appropriations made in sections 15 through 21 of this Act shall not revert to the general fund of the state until September 30, 1989.”

22. Page 16, by inserting after line 31 the following:

“Sec. ____ . There is appropriated from the general fund of the state to the Iowa resources enhancement and protection fund for fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amount to be used for the purposes of the fund, if the fund is created by enactment of the Seventy-third General Assembly:

..... \$ 5,000,000”

23. Page 17, line 19, by striking the word “April” and inserting the following: “March”.

24. Page 17, line 22, by striking the word “April” and inserting the following: “March”.

25. Page 17, line 33, by striking the word “Priority”.

26. By striking page 17, line 34 through page 18, line 7 and inserting the following: “The state department of transportation shall provide funding for as many essential air service communities as possible based on merit and need. Priority shall be given to those airports with projects closest to completion.”

27. Page 18, by inserting after line 13, the following:

“Notwithstanding section 8.33, unobligated and unencumbered funds remaining on November 30, 1989, from the funds appropriated in this section for the fiscal year beginning July 1, 1988, shall revert to the general fund of the state on November 30, 1989.”

28. Page 18, line 22, by inserting after the word “purposes” the following: “, not to include office space for legislators outside of the capitol building,”.

29. Page 19, line 5, by inserting after the word “restoration.” the following: “Of the amount of the appropriation used for capitol restoration, the department may use up to \$750,000 to replace transformers in the capitol building.”

30. Page 19, by inserting after line 14 the following:

"Sec. ____ . There is appropriated from the general fund of the state to the department of general services for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For utility and maintenance costs:

..... \$ 200,000

Notwithstanding section 8.39, funds appropriated under this section shall only be used for the purposes designated and are not subject to transfer.

DEPARTMENT OF PERSONNEL

Sec. ____ . There is appropriated from the general fund of the state to the department of personnel for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For site purchase, planning, design, and site preparation to establish a child care center at the capitol complex:

..... \$ 300,000

1. The department of personnel shall survey the state employees located at the capitol complex to determine interest in on-site child day care services. The survey shall include but is not limited to an assessment of all of the following items:

- a. The number and ages of children of employees who express an intent to utilize a child care center established at the capitol complex.
- b. The time of day during which child day care services are desired.
- c. The work location of interested employees.
- d. The potential impact of establishing child day care services at the capitol complex upon private child day care providers.

2. By October 1, 1989, the department shall report the results of the child day care survey to the state employees child care council which is created in the department of personnel. The council shall determine the level of need for a capitol complex child care center and shall monitor the planning to establish a child care center in the capitol complex. The membership of the council shall include representatives of each of the unions representing state employees and the directors of the following departments or the directors' designees: the department of general services, the department of personnel, the department of human services, the state department of transportation, and the Iowa department of public health. The council shall determine its own operating procedures.

3. If the survey of capitol complex employees identifies an intent for twenty or more children to utilize child day care services, the department of personnel shall commence efforts to establish a child care center at the capitol complex, including commencement of the transfer of moneys appropriated in this section to the department of general services in an amount sufficient to purchase and prepare a site, develop a design, and plan for the establishment of a child care center located within the capitol complex with sufficient capacity for the number of children to be provided day care services as determined by the state employees child care council.

4. Unencumbered or unobligated funds remaining from the appropriation made by this section on June 30, 1990, shall revert to the general fund of the state on September 30, 1990.

DEPARTMENT OF HUMAN SERVICES

Sec. ____ . There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For outreach, recruitment, and training of new child day care providers:

..... \$ 200,000

1. Of the funds appropriated in this section up to \$25,000 may be used to develop and distribute start-up kits for establishing child day care services. The use of the remaining funds shall include the recruitment of new child day care providers and the training of family and group day care home providers and of child care center administrators and other staff.

2. Notwithstanding section 8.33, unencumbered or unobligated funds remaining from the appropriation made by this section shall not revert to the general fund until September 30, 1990."

31. Page 19, by inserting after line 27 the following:

"IOWA FINANCE AUTHORITY

Sec. ____ .

1. There is appropriated from the general fund of the state to the housing trust fund created pursuant to section 220.100, subsection 1, for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the programs established in section 220.100, subsection 2:

..... \$ 3,000,000

2. As nearly as practicable, of the moneys appropriated in subsection 1, the Iowa finance authority should allocate ten percent for the homeless grant program under section 220.100, subsection 2, paragraph "a"; twenty percent for the home maintenance and repair program under section 220.100, subsection 2, paragraph "b"; thirty-five percent for the rental rehabilitation program under section 220.100, subsection 2, paragraph "c"; and thirty-five percent for the home ownership incentive program under section 220.100, subsection 2, paragraph "d". After February 1, 1990, moneys allocated to a program under section 220.100, subsection 2, may be reallocated by the authority to another program under that subsection if the other program has more need. In providing funds under the home maintenance and repair program and the home ownership incentive program, the authority shall, to the extent feasible, make funds available under the programs for purposes of pilot projects for sweat-equity housing cooperatives.

3. Of the moneys appropriated in subsection 1 that are allocated to the homeless grant program, up to thirty percent may be used for grants for operating costs of homeless shelters.

4. As nearly as practicable, of the moneys appropriated in subsection 1 that are allocated to the home maintenance and repair program, the rental rehabilitation program, and the home ownership incentive program, twenty-five percent from each program should be used to assist very low-income families and seventy-five percent from each program should be used to assist lower income families.

5. The assistance provided by the authority under the home ownership incentive program shall include, but not be limited to, the following kinds:

- a. Closing costs assistance.
- b. Down payment assistance.
- c. Home maintenance and repair assistance.
- d. Loan processing assistance through a loan endorser review contractor who

would act on behalf of the authority in assisting lenders in processing loans that will qualify for government insurance or guarantee or for financing under the authority's mortgage revenue bond program.

e. Mortgage insurance program.

Not more than fifty percent of the assistance provided by the authority under the home ownership incentive program shall be provided under paragraphs "d" and "e".

6. Assistance provided under the home ownership incentive program shall be limited to mortgages under thirty-five thousand dollars, except in those areas of the state where the median price of homes exceeds the state average. In providing the assistance under the home ownership incentive program, the authority shall require substantial seller participation of not less than two percent of the mortgage amount, which participation includes, but is not limited to, home ownership maintenance funding, down payment assistance, payment of closing costs, or rehabilitation costs.

7. The authority, in conjunction with the department of economic development, shall work with the private sector to set up workshops to educate housing sponsors on the housing programs available and to assist housing sponsors in the application process.

Notwithstanding section 8.33, unencumbered or unobligated funds remaining in the housing trust fund on June 30, 1989, shall not revert to the general fund of the state but shall remain in the housing trust fund and be used for the programs as provided in this section.

Sec. ____ . There is appropriated from the general fund of the state to the revolving fund created pursuant to section 15.287, for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amount, or so much thereof as is necessary, to be used for the purposes for which moneys in the fund may be used:

..... \$ 5,000,000

The moneys appropriated in this section to the revolving fund, which are allocated under the program to the traditional and new infrastructure categories, shall be used exclusively for assistance to political subdivisions to meet the water needs of those political subdivisions that have suffered as a result of the drought conditions that have existed during the past two years. A political subdivision may apply for assistance under the program on behalf of a benefited water district formed under chapter 357 or on behalf of a rural water district incorporated and organized under chapter 357A. Assistance shall only be available to those political subdivisions which demonstrate a substantial local effort to assist in community development as defined by rules of the department of economic development. Awards of these funds shall be made only to those applicants who include a plan to educate the users on methods to reduce per capita consumption of water by ten percent.

Sec. ____ . Section 455G.9, subsection 1, paragraph a, subparagraph (1), subparagraph subdivision (c), as enacted by 1989 Iowa Acts, House File 447, is amended to read as follows:

(c) The owner or operator applying for coverage shall not have claimed bankruptcy any time on or after ~~April 1, 1988~~ July 1, 1987."

32. Title page, line 9, by inserting after the word "transportation," the following: "department of personnel, Iowa finance authority,".

33. 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
 MICHAEL GRONSTAL
 LEONARD BOSWELL,
 JOHN JENSEN

THOMAS J. JOCHUM, Chair
 RAY LAGESCHULTE
 MICHAEL PETERSON
 GARY SHERZAN

REPORT OF THE CONFERENCE COMMITTEE
 ON SENATE FILE 419

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 419, a bill for An Act relating to energy efficiency and providing effective dates, respectfully make the following report:

1. That the Senate recedes from its amendment, H-4225.
2. That the House amendment, S-3850, to Senate File 419, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, by inserting after line 19 the following:

“ . . . Page 4, by inserting after line 24 the following:

“Sec. — . Section 478A.7, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notwithstanding subsection 1, commencing January 1, 1990, a person may sell or offer for sale in this state a decorative gas lamp manufactured after December 31, 1978, if the utilities board within the utilities division of the department of commerce determines, after notice and an opportunity for interested persons to comment at an oral presentation, that the sale or offer for sale of decorative gas lamps does not violate the public interest.”

On the Part of the Senate:

On the Part of the House:

RICHARD J. VARN, Chair
 PAT DELUHERY
 ALVIN V. MILLER
 JACK RIFE
 JOHN E. SOORHOLTZ

RALPH ROSENBERG, Chair
 JANET L. ADAMS
 RON J. CORBETT
 ANDREW J. McKEAN
 DAVID OSTERBERG

REPORT OF THE CONFERENCE COMMITTEE
 ON SENATE FILE 450

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 450, a bill for An Act relating to educational standards, including flexible scheduling within a school year, waivers of student participation in physical education if the school has flexible scheduling and the student is participating on an athletic team, and making technical changes, respectfully make the following

report:

1. That the Senate recedes from its amendment, H-4320.

2. That the House amendment, S-3713, to Senate File 450, as passed by the Senate, is amended as follows:

1. Page 1, by striking lines 3 through 33, and inserting the following:

“___ . Page 2, by striking line 11, and inserting the following: “of time during the school day or be seeking to be excused in order to enroll in academic courses not otherwise available to the student.”

PARAGRAPH DIVIDED. The student must seek to be Students in grades nine through eleven may be”.

___ . Page 2, by striking lines 14 through 21, and inserting the following: “student if the board of directors of the school district in which the school is located, or the authorities in charge of the school, if the school is a nonpublic school, determine that students from the school may be permitted to be excused from the physical education requirement. A student may be excused by the principal of the school in which the student is enrolled, in consultation with the student’s counselor, for up to one semester, trimester, or the equivalent of a semester or trimester, per year if the parent or guardian of the student requests in writing that the student be excused from the physical education requirement. The student seeking to be excused from the physical education requirement must, at some time during the period for which the excuse is sought, be a participant in an organized and supervised athletic program which requires at least as much time of participation per week as one-eighth unit of physical education.”

PARAGRAPH DIVIDED. The principal of the school shall inform the”.

___ . Page 2, by inserting after line 26, the following:

“Sec. ___ . Section 256.11, subsection 7, Code 1989, is amended to read as follows:

7. Programs that meet the needs of each of the following:

a. Pupils requiring special education.

b. Gifted and talented pupils.

c. Programs for at-risk students. Rules adopted by the state board to implement this paragraph shall be based upon the definition of at-risk student developed by the child coordinating council established in section 256A.2 and the department of education, and the state board shall consider the recommendations of the child coordinating council and the department in developing the rules.”

___ . Page 3, line 9, by striking the word “Kindergarten” and inserting the following: “Kindergarten Public school kindergarten”.

___ . Page 3, line 10, by inserting before the word “prekindergarten” the following: “public and nonpublic school”.

___ . Page 3, by striking lines 18 through 20 and inserting the following: “‘resident’ means a child who is physically present in a district, whose residence has not been established in another district by operation of law, and who meets any of the following conditions:

1. Is in the district for the purpose of making a home and not solely for school purposes.

2. Meets the definitional requirements of the term “homeless individual” under 42 U.S.C. § 11302(a) and (c).

3. Lives in a juvenile detention center, foster care facility, or residential facility in the district.”

___ . Page 3, line 31, by inserting after the figure “299.5,” the following: “or whose presence in school has been found to be injurious to the health of other”

pupils".

— . Page 4, by striking lines 15 through 17 and inserting the following: "resident" means a person who is physically present in a district, whose residence has not been established in another district by operation of law, and who meets any of the following conditions:

1. Is in the district for the purpose of making a home and not solely for school purposes.

2. Meets the definitional requirements of the term "homeless individual" under 42 U.S.C. § 11302(a) and (c).

3. Lives in a residential correctional facility in the district."

2. Page 1, by inserting after line 34, the following:

— . Title page, by striking lines 1 through 4, and inserting the following: "An Act relating to educational standards, permitting waiver of student participation in physical education under certain circumstances if the student is participating on an athletic".

On the Part of the Senate:

On the Part of the House:

WALLY HORN, Chair
JOY CORNING
JOHN P. KIBBIE
LARRY MURPHY
RAY TAYLOR

WILLIAM BRAND, Chair
DENNIS COHOON
ROBERT L. KISTLER
TOM MILLER
ARTHUR OLLIE

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 470

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 470, a bill for An Act relating to waste minimization and disposal, respectfully make the following report:

1. That the Senate recedes from its amendment, H-4418.

2. That the House recedes from its amendment, S-4062.

3. That Senate File 470, as amended, passed, and reprinted by the Senate, is amended as follows:

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

"Sec. — . **NEW SECTION.** 455B.116 RESULTS OF ENVIRONMENTAL TESTS -- PUBLIC RECORDS.

The results of any test, which test is relative to the purview of the department, and which test is conducted or performed by an independent entity at the request of a government body, as defined in section 22.1, or an agent or attorney for a government body, are public records pursuant to chapter 22.

A government body shall not be required to provide such test results to any person under this section until the agency head and agency's governing body have received a copy of the test results. A government body shall not be required to provide such test results if the confidentiality of such information is protected pursuant to section 22.7. However, following receipt of test results by an agency head and the agency's governing body, the agency head or agency's governing

body shall not take action regarding such test results unless the test results have been made public knowledge for a period of not less than seven days."

2. Page 1, line 2, by striking the word "paragraph" and inserting the following: "paragraphs".

3. Page 1, by striking lines 12 and 13 and inserting the following: "generated in the state as a whole by twenty-five percent of the amount generated as of January 1, 1987, as reported in the biennial reports collected by the United States environmental protection agency. The twenty-five percent reduction goal shall be reached as expeditiously as possible and no later than July 1, 1994. In meeting the reduction goal, elements "a" through "d" of the hazardous waste management hierarchy shall be utilized. The department, in cooperation with the small business assistance center, shall reassess the twenty-five percent reduction goal in 1994."

4. Page 1, line 17, by striking the word "including" and inserting the following: "promote".

5. Page 1, line 19, by inserting after the word "goal." the following: "In the promotion of the goal, the following hazardous waste management hierarchy, in descending order of preference, is established by the department:

- a. Source reduction for waste elimination.
- b. On-site recycling.
- c. Off-site recycling.
- d. Waste treatment.
- e. Incineration.
- f. Land disposal.

NEW UNNUMBERED PARAGRAPH. Additionally, the department shall establish and distribute to generators a listing of hazardous waste materials which are currently being recycled. The department shall require that each hazardous waste generator in the state submit, with the biennial report submitted to the United States environmental protection agency, a report of hazardous waste materials currently designated as recyclable by the department which are not being recycled by the generator. The report shall include the reason why the generator is not recycling such products. A small generator which does not submit a biennial report to the United States environmental protection agency, shall provide the information required to be submitted under this paragraph on a form provided by the department, with the submittal of the small generator's hazardous waste permit fee.

NEW UNNUMBERED PARAGRAPH. The department shall consult with representatives of industries which generate hazardous waste and shall make recommendations to the general assembly by January 1, 1991, concerning the possible application of a front-end fee for substances which will result in the generation of hazardous waste, the role of state government in assisting the private sector in establishing permanent, on-site, internal audit functions, and other measures which state government may initiate to encourage and assist generators of hazardous waste in reducing the hazardous waste generated."

6. Page 2, line 1, by inserting after the word "generators." the following: "The department shall conduct educational and informational programs. The small business assistance center shall provide direct waste minimization technical assistance to small quantity hazardous waste generators."

7. Page 2, by striking lines 8 through 25.

8. By renumbering, relettering, or redesignating and correcting internal references as necessary.

On the Part of the Senate:

PAT DELUHERY, Chair
 JOHN P. KIBBIE
 ALVIN V. MILLER
 PAUL D. PATE
 JOHN E. SOORHOLTZ

On the Part of the House:

RALPH ROSENBERG, Chair
 DAVID OSTERBERG
 WENDELL C. PELLETT
 DAVID SCHRADER
 J. BRENT SIEGRIST

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 relating to and making appropriations to various state agencies including certain state elected officials, the executive council, the department of general services, the department of personnel, the department of revenue and finance, the office of state-federal relations, and the department of management, appropriating certain membership fees, restricting the expenditure of moneys from the disaster aid contingent fund, revising provisions relating to life cycle cost analyses of public facilities, transferring moneys in the Iowa economic emergency fund to the general fund of the state, and providing an effective date, respectfully make the following report:

1. That the Senate recedes from its amendment, H-4357.

2. That the House amendment, S-4015, to Senate File 517, as amended, passed, and reprinted by the Senate, is amended as follows:

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

“— . Page 2, line 2, by striking the figure “814,218” and inserting the following: “826,218”.”

2. Page 1, line 23, by striking the word “status” and inserting the following: “condition”.

3. Page 1, by striking line 24 and inserting the following: “systems, including but not limited to membership status, benefits paid, average age of members, annual compensation average, rate of contribution necessary to make the systems actuarially sound, and the actual rate of return against the expected rate of return. The Iowa public employees’ retirement system may use the most recent actuarial valuations conducted under sections 97A.5, subsection 11; 97B.61; 411.5, subsections 12 through 14; and 602.9116 in completing its studies. If the Iowa public employees’ retirement system requires an additional actuarial valuation of a local retirement system established pursuant to chapter 411 and the valuation is paid for by the local system, the conduct of the additional actuarial valuation shall constitute compliance with the next requirement for a valuation under section 411.5 for that system. The Iowa public employees’ retirement system shall develop recommendations”.

4. Page 1, line 35, by inserting after the word “board” the following: “, including but not limited to moneys from the respective retirement funds”.

5. By numbering and renumbering as necessary.

On the Part of the Senate:

MICHAEL E. GRONSTAL, Chair
BOB CARR
JOY C. CORNING
WILLIAM W. DIELEMAN
NORMAN J. GOODWIN

On the Part of the House:

DENNIS L. RENAUD, Chair
JANET L. ADAMS
EUGENE H. BLANSHAN

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 524

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 524, a bill for An Act relating to funding available for roads including appropriations of moneys to the affected jurisdictions, respectfully make the following report:

1. That the House recedes from its amendment, S-3991.
2. That Senate File 524, as amended, passed, and reprinted by the Senate, is amended as follows:

1. By striking everything after the enacting clause and inserting the following:
"Section 1. NEW SECTION. 307D.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Board" means the Iowa highway research board of the state department of transportation.

2. "Department" means the state department of transportation.

Sec. 2. NEW SECTION. 307D.2 IOWA HIGHWAY RESEARCH BOARD.

There is created the Iowa highway research board for the purpose of providing for the ongoing research of materials, design, and maintenance of Iowa's highways as provided in this chapter.

Sec. 3. NEW SECTION. 307D.3 DUTIES AND OBJECTIVES.

The duties and objectives of the board are:

1. To supervise and coordinate research and development with the United States department of transportation and all other transportation research organizations. The research shall include, but not be limited to, the study of standards for road and bridge construction, design, and maintenance, and the development of new materials.

2. To acquire a knowledge of research and development needs of Iowa's roads and transportation systems.

3. To act as a clearinghouse for suggestions, problem statements, and proposals for highway research and development.

4. To make recommendations to the general assembly, the governor, Iowa's congressional delegation, the department and the United States department of transportation based upon research conducted and supervised by the board.

5. To monitor the progress of recommended projects and periodically evaluate each project's success and impact upon Iowa's highways.

6. To periodically report and publish the results of research conducted by the board.

7. To annually report by December 15 of each year to the general assembly and the governor regarding the board's activities and research.

Sec. 4. NEW SECTION. 307D.4 GOVERNING BOARD -- STAFF.

The powers of the board shall be vested in and exercised by a governing board consisting of fourteen members appointed by the governor, subject to confirmation by the senate in accordance with section 2.32, and four members of the general assembly. The membership shall be qualified as follows:

1. Three members shall be county engineers or members of county boards of supervisors.

2. Three members shall be city engineers.

3. Three members shall be employed by the department in the administration of highways.

4. Five members shall be university representatives, two from the state university of Iowa, two from Iowa state university of science and technology, and one from the university of northern Iowa. One of the members from both the state university of Iowa and Iowa state university of science and technology shall be faculty members of the respective institution's engineering college; the other members shall be faculty members of any college or department excluding the engineering college of the respective institution.

5. Four members shall be members of the general assembly, one to be appointed by the speaker of the house from the membership of the house, one to be appointed by the minority leader of the house from the membership of the house, one to be appointed by the majority leader of the senate from the membership of the senate, and one to be appointed by the minority leader of the senate from the membership of the senate.

No more than a simple majority of the members of the board shall be of the same political party or same gender as provided in sections 69.16 and 69.16A.

Sec. 5. NEW SECTION. 307D.5 TERMS OF OFFICE -- OFFICERS SELECTED.

The board shall be appointed for staggered terms of four years beginning and ending as provided in section 69.19. The legislative members of the board shall be appointed to staggered four-year terms of office, two of which shall expire every two years. A legislative member's tenure on the board is terminated if the board member ceases to be a member of the general assembly. Vacancies in the membership shall be filled for the unexpired term in the same manner as the original appointment. The board shall annually select from its membership a chairperson and a vice chairperson by a majority vote of the total membership. A member of the department, as selected by the board, shall serve as secretary.

Sec. 6. NEW SECTION. 307D.6 MEETINGS OF THE BOARD --EXPENSES.

The board shall meet at least six times each year and shall hold special meetings on the call of the chairperson. Except as otherwise provided, the members of the board shall serve without additional compensation to the salary and expenses authorized for the office or position held by the member. Members representing political subdivisions who are not elected officials shall receive forty dollars per diem and necessary and actual expenses incurred in the performance of their duties. Legislative members shall be paid for their actual and necessary expenses and, when the general assembly is not in session, per diem as provided in sections 2.10 and 2.12. The department's members of the board shall be reimbursed for their actual and necessary expenses from the funds appropriated pursuant to section 313.5.

Sec. 7. NEW SECTION. 307D.7 ADDITIONAL AUTHORITY.

The board may:

1. Do all things necessary, proper and expedient in executing and achieving the duties and objectives assigned to the board in this chapter.
2. Hold public hearings.
3. Enter into contracts, within the limits of funds made available to the board, with individuals, organizations, and institutions for services furthering the objectives of the board.
4. Accept grants of money, property, or other resources from the federal government or any other source, and upon its own order use the money, property, or other resources to accomplish the duties and objectives of the board.

Sec. 8. Section 310.10, Code 1989, is amended to read as follows:

310.10 FARM-TO-MARKET ROAD SYSTEM DEFINED.

The farm-to-market road system shall embrace those roads as defined in section 306.3, subsection 5. However, a road which is classified as being part of the arterial or arterial connector system under chapter 306 but whose jurisdiction still vests in the county in which it is located, shall be deemed to be part of the farm-to-market road system until the time the jurisdiction of the road is transferred to the department.

Sec. 9. Section 312.1, unnumbered paragraph 2, Code 1989, is amended to read as follows:

Notwithstanding section 453.7, subsection 2, interest or earnings on investments or time deposits of the moneys in the road use tax fund and the funds to which moneys from the road use tax fund are credited shall be credited to the respective funds which generated the interest or earnings road use tax fund.

Sec. 10. Section 312.2, subsections 1 through 4, Code 1989, are amended to read as follows:

1. To the primary road fund, forty-five forty-seven and one-half percent.
2. To the secondary road fund of the counties, twenty-eight twenty-four and one-half percent.
3. To the farm-to-market road fund, nine eight percent.
4. To the street construction fund of the cities, eighteen twenty percent.

Sec. 11. Section 312.2, subsection 14, Code 1989, is amended to read as follows:

14. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the revitalize Iowa's sound economy fund, created under section 315.2, the revenue accruing to the road use tax fund in the amount equal to two thirds of the revenues collected under each of the following:

a. From the excise tax on motor fuel and special fuel imposed under the tax rate of section 324.3 except aviation gasoline:

(1) For the period July 1, 1985, through December 31, 1985, the amount of excise tax collected from two cents per gallon.

(2) From and after January 1, 1986, the amount of excise tax collected from three one and eleven-twentieths cents per gallon.

b. From the excise tax on special fuel for diesel engines:

(1) For the period July 1, 1985, through December 31, 1985, the amount of excise tax collected from one cent per gallon.

(2) For the period January 1, 1986, through December 31, 1986, the amount of excise tax collected from two cents per gallon.

(3) From and after January 1, 1987, the amount of excise tax collected from

~~three one and eleven-twentieths~~ cents per gallon.

Sec. 12. Section 312.2, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 14A. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the secondary road fund the revenue accruing to the road use tax fund in the amount equal to the revenues collected under each of the following:

a. From the excise tax on motor fuel and special fuel imposed under the tax rate of section 324.3, except aviation gasoline, the amount of excise tax collected from nine-twentieths cent per gallon.

b. From the excise tax on special fuel for diesel engines, the amount of excise tax collected from nine-twentieths cent per gallon.

Sec. 13. Section 312.2, Code 1989, is amended by adding the following new subsections:

NEW SUBSECTION. 19. a. The treasurer of state, before making the allotments provided for in this section, for the fiscal year beginning July 1, 1990, and each succeeding fiscal year, credit from the road use tax fund two million dollars to the county bridge construction fund, which is hereby created. Moneys credited to the county bridge construction fund shall be allocated to counties by the department for bridge construction and reconstruction based on needs in accordance with rules adopted by the department.

b. The treasurer of state, before making the allotments provided for in this section, for the fiscal year beginning July 1, 1990, and each succeeding fiscal year, credit from the road use tax fund five hundred thousand dollars to the city bridge construction fund, which is hereby created. Moneys credited to the city bridge construction fund shall be allocated to cities by the department for bridge construction and reconstruction based on needs in accordance with rules adopted by the department.

NEW SUBSECTION. 20. Subsections 1 through 4 do not apply during the fiscal period beginning July 1, 1989, through June 30, 1991. For the fiscal year beginning July 1, 1989, and the succeeding fiscal year, the treasurer of state, after making the other allotments provided for in this section, shall credit:

a. To the primary road fund, two hundred eighty-five million dollars less the combined amount of moneys credited in the fiscal year to the primary road fund under subsections 7 and 11 and moneys credited for the use of the department on primary road projects under section 315.4, subsection 1.

b. To the secondary road fund of the counties, one hundred forty-eight million dollars less the combined amount of moneys credited in the fiscal year to the secondary road fund under subsection 14A and moneys credited for the use of counties on secondary road projects under section 315.4, subsection 2.

c. To the farm-to-market road fund, forty-eight million dollars less the amount of moneys credited to the farm-to-market road fund under subsection 11.

d. To the street construction fund of the cities, one hundred twelve million dollars less the amount of moneys credited for the use of cities on city street projects under section 315.4, subsection 3.

e. If in a fiscal year there are insufficient moneys credited to the road use tax fund to fully credit to the respective funds the full amount appropriated under paragraphs "a" through "d", the treasurer of state shall reduce the amounts credited under paragraphs "a" through "d" by the amount of the shortfall among the respective funds in proportion to the allocation among the funds under subsections

1 through 4. Similarly, if in a fiscal year there are moneys credited to the road use tax fund in excess of those necessary to fully credit the respective funds with the amounts appropriated under paragraphs "a" through "d", the treasurer of state shall increase the amounts credited under paragraphs "a" through "d" by the amount of the additional available moneys among the respective funds in proportion to the allocation among the funds under subsections 1 through 4.

This subsection is repealed effective July 1, 1991.

Sec. 14. NEW SECTION. 312.3A STREET RESEARCH FUND.

Prior to the allocation to the cities under section 312.3, subsection 2, the department is authorized to set aside each year two hundred thousand dollars from the street construction fund of the cities in a fund to be known as the street research fund. The street research fund shall be used by the department solely for the purpose of financing engineering studies and research projects which have as their objective the more efficient use of funds and materials that are available for the construction and maintenance of city streets, including city street bridges and culverts. The research projects and engineering studies authorized shall be conducted in cooperation with the city engineers. On or before January 31 each year the department shall file a report with the governor, state transportation commission, city engineers, chief clerk of the house of representatives, and secretary of the senate showing the work accomplished and projects undertaken under this section.

Sec. 15. Section 312.16, Code 1989, is amended to read as follows:

312.16 DEFINITION DEFINITIONS.

As used in this chapter, unless the context otherwise requires, "department":

1. "Department" means the state department of transportation.
2. "Fiscal year" means the period of twelve months beginning on July 1 and ending on June 30.

Sec. 16. Section 315.4, Code 1989, is amended to read as follows:

315.4 ALLOCATION OF FUND.

Moneys credited to the RISE fund shall be allocated as follows:

1. Fifty percent Twenty thirty-firsts for the use of the department on primary road projects exclusively for highways which are identified under section 307A.2 as being part of the network of commercial and industrial highways.
2. Twenty five percent One thirty-first for the use of counties on secondary road projects.
3. Twenty five percent Ten thirty-firsts for the use of cities on city street projects.

Commencing June 30, 1990, all uncommitted moneys in the RISE fund on June 30 of each year which are allocated under this section for the use of counties on secondary road projects shall be credited to the secondary road fund.

Sec. 17. Section 602.8106, subsection 4, Code 1989, is amended to read as follows:

4. The clerk shall remit all other fines and forfeited bail received from a magistrate to the treasurer of state to be credited to the general fund of the state, except that annually the first two million five hundred thousand dollars in fines which are imposed through vehicle violation citations issued by motor vehicle division personnel at portable and fixed weigh stations in the state which shall be credited to the road use tax fund.

Sec. 18. 1988 Iowa Acts, chapter 1019, sections 21, 23, and 24, are repealed.

Sec. 19. Except for the provisions of section 13 of this Act relating to the county bridge construction fund and the city bridge construction fund, it is the intent of the general assembly that no additional statutory off-the-top allocations from

the road use tax fund shall be enacted by the general assembly.

Sec. 20. The legislative council shall appoint a study committee for the purpose of studying, and making recommendations for the allocation of secondary road fund moneys and farm-to-market road fund moneys among the counties. A majority of the members of the study committee shall be representatives of the counties. The recommendations shall be submitted to the governor, the chief clerk of the house, and the secretary of the senate not later than January 31, 1990.

Sec. 21. The Iowa highway research board created prior to the enactment of this Act by the state department of transportation shall advise the Iowa highway research board created under this Act.

Sec. 22. There is appropriated from the road use tax fund to the state department of transportation the sum of \$15,000 or so much thereof as is necessary, for the purpose of conducting a study, in consultation with the department of natural resources and representatives of cities and counties, to analyze and report on the impact of waterway opening and floodplain requirements existing in federal or state law, regulations, administrative rules or design guides, on current and future road and bridge requirements, costs, and needs. The analysis shall consider what economies the various road programs might achieve by modifying these requirements, including reducing or eliminating the liability a road jurisdiction might have with current or alternative future requirements for road and bridge features for waterways and floodplains, including analyzing the risk to and benefits for roads and bridges and the risks and costs to land, improvements, and human activity. The study shall recommend methods for reducing the future highway program costs for providing bridges in Iowa. The study shall be submitted to the governor, the chief clerk of the house, and the secretary of the senate not later than January 31, 1990.

Sec. 23. Section 17 of this Act takes effect July 1, 1990."

2. Title page, line 1, by inserting after the word "to" the following: "roads and".

3. Title page, line 2, by inserting after the word "jurisdictions" the following: ", creating the county bridge construction fund and the city bridge construction fund, and creating the Iowa highway research board and providing for the board's compensation and expenses".

On the Part of the Senate:

DON E. GETTINGS, Chair
 C. JOSEPH COLEMAN
 RICHARD F. DRAKE
 JOHN W. JENSEN
 ELAINE SZYMONIAK

On the Part of the House:

MIKE CONNOLLY, Chair
 KENNETH R. DE GROOT
 DEO A. KOENIGS
 LOUIS J. MUHLBAUER
 GREGORY A. SPENNER

REPORT OF THE CONFERENCE COMMITTEE
 ON SENATE FILE 531

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

531, 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 and use of moneys from the road use tax fund, state aviation fund, and abstract fee fund, providing for an exemption from reversion for certain funds, extending the effective period of the temporary authority for the operation of certain commercial vehicles, mandating reports of certain agency purchases, requiring the state and its political subdivisions, under certain circumstances, to pay compensation to owners of off-premises advertising devices, and providing effective dates and retroactive application, respectfully make the following report:

1. That the House amendment, S-4024, be amended to read as follows:

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

“___ . By striking page 3, line 32, through page 4, line 2.”

2. Page 1, by inserting after line 26, the following:

“___ . Page 15, line 12, by inserting after the word “per” the following: “essential air service”.”

3. Page 1, by inserting after line 26, the following:

“___ . Page 15, line 15, by inserting after the word “airports.” the following: “From funds appropriated in this section, the state department of transportation may also award dollar-for-dollar matching grants up to \$10,000 for nonprofit community cultural programs and activities at essential air service airports.”

___ . Page 15, by inserting after line 15 the following:

“Sec. ___ . There is appropriated from the general fund of the state to the state department of transportation for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For essential air service airport terminal improvements:

..... \$ 250,000

In selecting projects, the state department of transportation shall give preference to projects that will assist in maintaining and attracting air service. The state department of transportation shall provide funding for as many essential air service communities as possible based on merit and need. Priority shall be given to those airports with projects closest to completion. Those airports that use moneys from this program must complete their projects in the fiscal year beginning July 1, 1990. The state department of transportation shall notify essential air service airports of this program and make tentative selection of projects forty-five days from the effective date of this Act.

Notwithstanding section 8.33, unobligated and unencumbered funds remaining on November 30, 1990, from the funds appropriated in this section for the fiscal year beginning July 1, 1989, shall revert to the general fund of the state on November 30, 1990.”

4. Page 1, by striking lines 27 through 30.

5. Page 1, by inserting after line 32, the following:

“___ . Page 15, by inserting after line 35, the following:

“Moneys appropriated to the Iowa air link transportation commission under this section shall be replaced by crediting the appropriated amount to the road use tax fund from the state aviation fund after moneys otherwise appropriated under this Act from the state aviation fund are provided.”

6. Page 1, by striking lines 33 and 34.

7. Page 2, line 7, by inserting after the figure “3.” the following: “Moneys credited

under this section shall not be used for the acquisition of property through condemnation."

8. By striking page 2, line 45, through page 3, line 46.

9. Page 4, by striking lines 18 through 28.

10. By striking page 4, line 29, through page 5, line 7.

11. Page 5, by inserting before line 8, the following:

" ___ . Page 18, by inserting before line 27 the following:

"Sec. ___ . Section 321.34, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 12. PEARL HARBOR PLATES. Effective January 1, 1990, the owner of a motor vehicle subject to registration under section 321.109, subsection 1, light delivery truck, panel delivery truck or pickup who was at Pearl Harbor, Hawaii, as a member of the armed services of the United States on December 7, 1941, may, upon written application to the department, order special registration plates which shall bear the notation "PEARL HARBOR VETERAN". The special plates shall bear the identification "DEC 7 " followed by a two digit identifying number. Each applicant applying for special registration plates under this subsection may purchase only one set of registration plates under this subsection. The application is subject to approval by the department. Upon receipt of the special registration plates, the applicant shall surrender the regular registration plates to the county treasurer. The fee for the issuance of the special registration plates is twenty-five dollars which shall be in addition to the regular annual registration fee. The county treasurer shall validate the special registration plates in the same manner as regular registration plates are validated under this section with no additional registration fee being required other than the regular annual registration fee.

Sec. ___ . Section 321.190, subsection 1, unnumbered paragraph 3, Code 1989, is amended to read as follows:

The fee for a nonoperator's identification card shall be five dollars and the card shall be valid for the purpose of identification for a period of four years from the date of issuance. ~~A fee of five dollars shall be charged for the voluntary replacement of an identification card.~~

Sec. ___ . Section 321.195, Code 1989, is amended to read as follows:

321.195 DUPLICATE CERTIFICATES, MOTOR VEHICLE LICENSES, AND NONOPERATOR'S IDENTIFICATION CARDS.

In the event that ~~an instruction permit, operator's, chauffeur's license, motorized bicycle a motor vehicle license, nonoperator's identification card,~~ or extension certificate issued under the provisions of this chapter is lost or destroyed, the person to whom the same was issued may upon payment of a fee of ~~two~~ three dollars for ~~an operator's or chauffeur's a motor vehicle license or nonoperator's identification card,~~ or one dollar for an extension certificate, ~~or motorized bicycle license,~~ obtain a duplicate, or substitute thereof, upon furnishing proof satisfactory to the department that ~~such permit, the motor vehicle license, nonoperator's identification card,~~ or extension certificate has been lost or destroyed. A fee of one dollar shall be charged for the voluntary replacement of ~~an instruction permit or an operator's or chauffeur's a motor vehicle license or nonoperator's identification card.~~"

12. Page 5, by striking line 44.

13. Page 5, by inserting before line 45, the following:

" ___ . Page 22, by inserting before line 7, the following:

"Sec. ____ . If because of any court decision, the abstract fee fund, its programs and functions are in jeopardy, the state department of transportation may request the executive council to charge to the road use tax fund the costs of purchasing motor vehicle licenses, as defined in section 321.1, subsection 77, and the department of public safety, division of criminal investigation and bureau of identification may request the executive council to charge to the general fund of the state the moneys appropriated to the division from the abstract fee fund under this Act. There is appropriated from the road use tax fund and the general fund of the state the moneys charged under this section. The state department of transportation and the department of public safety, division of criminal investigation and bureau of identification, shall provide a detailed accounting of the charges if this change in the method of funding is implemented."

14. Page 5, by inserting after line 48, the following:

"____ . Title page, line 6, by inserting after the word "funds," the following: "altering the fee for duplicate or replacement motor vehicle licenses and nonoperator's identification cards,""

15. By striking page 5, line 49, through page 6, line 7.

16. Page 6, by inserting before line 8, the following:

"____ . Title page, line 9, by inserting after the word "purchases," the following: "providing for the issuance of special Pearl Harbor registration plates,""

On the Part of the Senate:

DON E. GETTINGS, Chair
EMIL J. HUSAK
JIM LIND
JACK NYSTROM
JOE J. WELSH

On the Part of the House:

DEO KOENIGS, Chair
JACK BEAMAN
DENNIS COHOON
MIKE CONNOLLY
DON SHONING

REPORT OF THE SECOND CONFERENCE COMMITTEE ON SENATE FILE 538

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 538, a bill for An Act relating to medical and health care, including matters relating to the maternal and child health program; the expansion of medical assistance eligibility for certain persons; physicians' charges for services to beneficiaries of health insurance under Title XVIII of the federal Social Security Act and providing for the collection and analysis of information; health care access; the requirement of the department of human services to collect certain data relating to usage of health maintenance organization services by recipients of medical assistance; the state individual income tax by requiring an evaluation of the medical and health insurance deduction; rural health systems delivery and rural occupational health; requiring the department of human services to adopt rules to conduct studies regarding health care providers which are reimbursed under the medical assistance program; establishing a health care cost containment task force; making appropriations to certain state agencies; and providing for other properly related matters, respectfully make the following report:

1. That the House recedes from its amendment, S-4108.

2. That Senate File 538, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 5, by striking line 23 and inserting the following: "federal Social Security Act, § 1902(1), or pursuant to section 249A.3, subsection 2, paragraph "g", the department shall".

2. Page 5, by striking line 26 and inserting the following: "section 255A.5, if in compliance with federal laws and regulations."

3. By striking page 8, line 16 through page 10, line 8, and inserting the following: "Sec. 3000. NEW SECTION. 91E.1 DEFINITIONS.

As used in this chapter:

1. "Employee" means a person who is not self-employed, is an employee as defined in section 91A.2, and who:

a. Beginning July 1, 1991, works an average of at least thirty hours per week and at least six hundred hours in a calendar year.

b. Beginning July 1, 1992, works an average of at least twenty-five hours per week and at least five hundred hours per calendar year.

c. Beginning July 1, 1993, works an average of at least twenty hours per week and at least four hundred hours per calendar year.

2. "Employer" means an employer as defined in section 91A.2 who:

a. Beginning July 1, 1991, employs fifty or more employees.

b. Beginning July 1, 1992, employs forty or more employees.

c. Beginning July 1, 1993, employs twenty or more employees.

3. "Enrollee" means a person who purchases health care coverage through use of moneys expended by the state health care insurance plan pool.

4. "Self-insurance health plan" means a plan which provides health benefits to the employees of an employer, which is not a health insurance plan, and in which the employer is liable for actual costs of the health care service provided by the plan plus administrative costs.

5. "Third-party payor" means an entity, including but not limited to the medical assistance program, the federal Medicare program, or a provider of health insurance or service contracts under chapter 509, 514, or 514A.

Sec. 3001. NEW SECTION. 91E.2 HEALTH CARE INSURANCE PLAN ESTABLISHED.

1. Effective July 1, 1991, a health care insurance plan is established to provide primary and preventive health care insurance coverage to Iowans who are not otherwise covered by the medical assistance program, the federal Medicare program, a third-party payor plan, or other similar program or plan.

2. The plan shall provide for a schedule of premium contributions, copayments, coinsurance, and deductibles to be paid by enrollees in the health care insurance plan based upon a sliding fee scale which takes into account the enrollee's income, assets, and financial needs.

3. Provision of only the benefit package under the health care insurance plan shall not be subject to or considered part of a collective bargaining negotiation.

Sec. 3002. NEW SECTION. 91E.3 HEALTH CARE INSURANCE PLAN POOL ESTABLISHED.

1. Effective July 1, 1991, a health care insurance pool is established within the state treasury. Moneys within the pool shall be expended to provide health care insurance coverage to those enrollees under the health care insurance plan as established in section 91E.2.

2. Funds in the pool shall include, but are not limited to, revenues collected from employers who do not provide primary and preventive health care insurance or benefits coverage to their employees.

3. Contributions to the pool may come from the financial participation of employers, employees, and other funding sources and shall be used to provide a health care insurance benefit package to cover primary care benefits and hospitalization. Moneys in the pool shall not be expended to provide payment for services for which a person is eligible pursuant to chapter 249A, receives coverage through private health care insurance or benefits coverage, or through another responsible party.

Sec. 3003. EFFECTIVE DATE. Sections 3001 through 3002 of this Act take effect only after enactment by the general assembly of a funding mechanism for the health care insurance plan and pool, employer participation, employer responsibilities, and state responsibility for coverage of unemployed and low-income employed persons whose income is less than two hundred percent of the federal poverty level and who are not currently eligible for health insurance coverage through any federally financed health insurance program.

Sec. 3004. HEALTH CARE INSURANCE STUDY. The legislative council shall contract for a comprehensive study of the state's health insurance needs and means to meet Iowans needs for health insurance, including an implementation proposal for mandatory employer-sponsored health insurance coverage. The legislative council shall appoint a steering committee which may include representatives of health professions, labor, business, insurance, government, and consumers to administer, oversee, and monitor the study. The study shall provide preliminary information and recommendations to the general assembly and the legislative council by February 1, 1990, and a final report containing information and recommendations by November 15, 1990, which shall include but not be limited to the following:

1. Collection and assembling of data describing the following:
 - a. Characteristics of employed persons who are uninsured and of unemployed persons who are uninsured.
 - b. Characteristics of employers who do and do not offer insurance to their employees.
 - c. Cost estimates for covering the unemployed who are not currently eligible for health insurance coverage through any federally financed health insurance program.
 - d. Characteristics of health insurance coverage and health insurance needs of farmers and other self-employed persons.
 - e. The impact of the uninsured population on rural hospitals and the university of Iowa hospitals and clinics and the impact of implementing mandatory, employer-subsidized coverage on those hospitals.
 - f. The impact upon employers of implementing mandatory, employer-subsidized coverage.
 - g. The potential savings to the state and its political subdivisions as a result of mandatory employer-sponsored health care.
 - h. The causes and financial effects of the choice by employees not to accept employer-offered health insurance coverage.
2. Development of a proposal to implement the health care insurance plan established in section 91E.2, including the following elements:

a. A schedule to phase in coverage of all employees and every employer in the state.

b. At least three options, with cost estimates, for a mandatory employer-sponsored primary and preventive health insurance benefit package provided to employees and dependents of employees.

c. An additional option, with a cost estimate and an analysis of cost-effectiveness for a health insurance benefit package provided to employees and dependents of employees which includes but is not limited to major medical expenses, inpatient care, outpatient care, maternity and postnatal care, emergency care, and care for conditions related to nervous disorders, mental health, and substance abuse.

d. Options regarding delivery of a health care insurance plan which include consideration of existing public and private insurance delivery systems, health maintenance organizations, preferred provider organizations, and other managed care options.

e. A provision that the health care insurance plan operation and coverage issuance does not discriminate based upon sex or marital status.

f. A provision to coordinate coverage under the health care insurance plan with the Iowa comprehensive health insurance association established under chapter 514E.

g. A provision to enhance the coverage of employees who are underinsured.

h. A provision to minimize the potential for adverse selection under the health care insurance plan.

i. A provision for the eligibility of persons who are early retirees.

j. Provisions for health care cost containment, coordination of benefits, health maintenance, quality of care, and prevention under the health care insurance plan.

k. A provision to discourage employers who are offering health care insurance benefits to employees from reducing or eliminating benefits when health care insurance coverage becomes mandatory.

l. A provision for the state to make available technical assistance to small businesses for the implementation of mandatory employer-sponsored health insurance.

m. A provision setting a financial participation rate in the costs of health care coverage for employees as a minimum standard for employer compliance with requirements to provide health care coverage.

n. A provision to subsidize the purchase of health insurance coverage for employed and unemployed low-income Iowans not covered under a qualifying health care insurance plan.

o. Recommendations and options regarding methods to finance the plan.

p. Recommendations regarding program administration, including the unit of state government to be assigned administrative responsibility.

q. Recommendations regarding the coordination of health insurance coverage between two-earner families when both earners have health insurance coverage available through their employers.

r. A provision which considers an option for state responsibility for insurance premium assistance for employed persons whose income is less than two hundred percent of the federal poverty level.

3. Development of additional program options capable of implementation on a demonstration or statewide basis, including the following:

a. A program providing at least primary and preventive health services to

children in working families, where the income level of the families does not exceed one hundred eighty-five percent of the federal poverty level.

b. A program providing state participation in the financing of health insurance coverage for employers of fewer than twenty employees who previously have not provided health coverage for their employees and who can demonstrate that the employer cannot otherwise provide such coverage. The program shall include participation by the employer in an amount equal to at least one-third of the cost of the employees' health care coverage.

c. A program for families previously participating in the aid to dependent children program whose reason for leaving the program was employment earnings, who have exhausted transitional medical assistance coverage, and who are still employed but who have no health care coverage. Such a program shall include a sliding fee schedule for participation.

d. A program for small employers that establishes a multiple employer trust accessible to employers, with or without state participation, to reduce the premiums charged for such trusts and increase the availability of such trusts.

e. A program to provide catastrophic health care coverage for employed persons who are currently uninsured or underinsured.

f. A program to provide support to uninsured and underinsured working families that recognizes ongoing health care expenditures for chronic conditions and that would provide protection against a requirement to completely spend-down on a monthly basis in order to be eligible for the medically needy program.

g. A program providing health insurance tax credits for employers. The employer must provide two-thirds of the premium payment of the health insurance plan for the employees enrolled in the plan. An employee enrolled in the plan must pay one-third of the premium for the individual employee under the health insurance plan. The amount of the tax credit provided shall be one-half of the premium paid by the employer. The tax credit shall be provided to an employer for a maximum of five years. Any tax credit provided in excess of the employer's tax liability during the first taxable year may be credited to the employer's tax liability for the remaining four years or until an excess no longer exists. An employer shall only be eligible for the tax credit provided if the health insurance plan provided has been selected by the insurance division of the department of commerce.

h. A program providing greater income tax recognition of the costs of health care for employers who are self-employed or part of a partnership, including tax recognition on a sliding scale based upon income.

The department of revenue and finance, the division of insurance of the department of commerce, the Iowa department of public health, and the department of human services, the department of employment services, other executive departments, and the legislative fiscal bureau shall fully cooperate with the study in providing timely information necessary to identify costs and coverage levels related to the study."

4. By striking page 11, line 15, through page 12, line 11, and inserting the following:

DIVISION VI

Sec. ____ . This division shall be known as the "Nonprofit Health Organization Division".

Sec. ____ . Section 422.45, subsection 22, paragraph b, Code 1989, is amended to read as follows:

b. Residential facilities ~~for mentally retarded children~~ licensed by the department of human services pursuant to chapter 237, other than those maintained by individuals as defined in section 237.1, subsection 7.

Sec. ____ . Section 422.45, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 41. The gross receipts from the sale of equipment and supplies if purchased by any of the following nonprofit health organizations which receive federal funds:

a. Community-based substance abuse treatment and prevention programs, as designated under section 125.12.

b. Child health clinics, as designated under section 135.11.

c. Maternal health clinics, as designated under section 135.11.

d. Well-elderly clinics, as designated under section 135.11.

e. Family planning clinics, as designated under section 234.21.

f. Area agencies on aging, as designated under section 249D.32.

g. Medicare certified hospice programs, as certified by the department of inspections and appeals or as certified under the federal Medicare program.”

5. Page 12, line 21, by inserting after the word “agencies:” the following: “the department of human services,”.

6. By striking page 13, line 21 through page 14, line 21 and inserting the following: “as provided in section 135B.33 and perform the duties required of the Iowa department of public health in section 135B.33.”

7. Page 15, by striking lines 5 through 19 and inserting the following:

“d. For the purposes of this section, “Medicare” means the program of health insurance established under Title XVIII of the federal Social Security Act.”

8. Page 16, by striking lines 12 through 18 and inserting the following:

“Sec. ____ . **NEW MEDICAL FACILITY LICENSURE CATEGORY RECOMMENDATIONS.** In cooperation with the advisory committee to the office of rural health, the office of rural health of the Iowa department of public health shall make recommendations to the general assembly on or before February 1, 1990, regarding the development of a new medical facility licensure category to respond to the changing health care needs of rural Iowa. The office of rural health through the advisory committee shall seek federal waivers and take additional action to permit federal reimbursement under the federal Medicare program and the medical assistance program for services provided in a facility licensed under the new category.”

9. By striking page 16, line 21 through page 17, line 4 and inserting the following:

“**NEW UNNUMBERED PARAGRAPH.** The tax levy authorized by this section for operation and maintenance of the hospital may be available in whole or in part to any county with or without a county hospital organized under this chapter, to be used to enhance rural health services in the county. However, the tax levied may be expended for enhancement of rural health care services only following a local planning process. The Iowa department of public health shall establish guidelines to be followed by counties in implementing the local planning process which shall require legal notice, public hearings, and a referendum in accordance with sections 347.7 and 347.30 prior to the authorization of any new levy or a change in the use of a levy. Enhancement of rural health services for which the tax levy pursuant to this section may be used includes but is not limited to emergency medical services, health care services shared with other hospitals, rural health clinics, and support for rural health care practitioners and public health services.

When alternative use of funds from the tax levy authorized by this section is proposed in a county with a county hospital organized under this chapter, use of the funds shall be agreed upon by the elected board of trustees of the county hospital. When alternative use of funds from the tax levy authorized by this section is proposed in a county without a county hospital organized under this chapter, use of the funds shall be agreed upon by the board of supervisors and any publicly elected hospital board of trustees within the county prior to submission of the question to the voters. Moneys raised from a tax levied in accordance with this paragraph shall be designated and administered by the board of supervisors in a manner consistent with the purposes of the levy."

10. Page 18, by inserting after line 11 the following:

"8. Support programs to enhance the agriculture-related safety of children."

11. Page 19, by striking lines 5 through 18.

12. By striking page 19, line 28 through page 21, line 27 and inserting the following:

"Sec. 1001. This division shall be known as the "Health Care Utilization Division".

Sec. 1002. HEALTH CARE UTILIZATION INFORMATION AND TASK FORCE.

1. The Iowa health data commission shall annually publish all of the following:

a. Comparisons between health care providers of charges, length of stay, and numbers of admissions for selected diagnoses or procedures utilized on an inpatient basis.

b. Comparisons between health care providers of charges and numbers of encounters for selected diagnoses and procedures utilized on an ambulatory care basis.

c. Comparisons across geographic areas of population-based admission or incidence rates for selected diagnoses and procedures.

d. Comparisons between health care providers using indicators which may include structure, process, and severity-adjusted outcome methodologies.

e. Information regarding research published concerning the medical efficacy of certain medical procedures and information regarding numbers of the procedures performed in Iowa.

f. A trends analysis which delineates cost increases in different components of the health care industry.

g. Recommendations to appropriate organizations and agencies regarding the potential uses of reports published pursuant to this subsection.

2. The Iowa health data commission shall contract for a health care utilization study to review, identify, and address issues related to the utilization of health care services in the state by comparing national data with Iowa data. The commission shall appoint a representative task force to oversee and review the study:

a. The study shall complete all of the following tasks:

(1) Collect and analyze existing research on the medical efficacy of certain medical procedures and study potential overutilization of the procedures in the state, and prepare a summary of procedures for which there is a significant level of usage in the state and for which substantial evidence from nationwide data suggests there is overutilization on a national level.

(2) Use information collected by the health data commission to evaluate variations in the utilization of diagnostic-related groups and assess the effects of the variations on patient outcomes and health care costs.

(3) Utilize findings developed under this section and analysis of actions taken in other states to identify protocols used in other states for the usage of procedures identified as having high coefficients of variation and as being subject to overutilization.

(4) Make recommendations to the commission and the representative task force regarding the use and potential application of the study findings by health care providers, educators, purchasers, governmental entities, insurers, consumers, and other interested constituencies.

b. The task force shall complete all of the following tasks:

(1) Make recommendations to appropriate agencies and organizations regarding protocol development and implementation, physician education, second opinions for procedures, and reimbursement limitations on procedures which have been identified as subject to overutilization.

(2) Make recommendations regarding other means of reducing health care costs by utilizing health care services more effectively.

(3) Report its findings relating to the duties established by this paragraph to the commission, the governor, and the general assembly on or before January 1, in the years 1991, 1992, and 1993.

3. This section is repealed effective January 30, 1993.

Sec. ____ . Section 514E.1, subsection 2, Code 1989, is amended to read as follows:

2. "Association policy" means an individual or group policy issued by the association that provides the coverage specified in section 514E.4.

Sec. ____ . Section 514E.2, subsection 2, Code 1989, is amended to read as follows:

2. The board of directors of the association shall consist of ~~not less than four nor more than eight~~ members selected by the members of the association, ~~subject to approval by the commissioner and a two of whom shall be representatives from corporations operating pursuant to chapter 514 on the effective date of this Act or any successors in interest, and two of whom shall be representatives of insurers providing coverage pursuant to chapter 509 or 514A; four public member members~~ selected by the commissioner governor; the commissioner or the commissioner's designee from the division of insurance; and two members of the general assembly, one of whom shall be appointed by the speaker of the house and one of whom shall be appointed by the senate majority leader, who shall be ex officio and nonvoting members. The composition of the board of directors shall be in compliance with sections 69.16 and 69.16A. The governor's appointees shall be chosen from a broad cross-section of the residents of this state.

In order to select the initial board of directors and organize the association, the commissioner shall give notice to all carriers of the time and place of the organizational meeting. In determining voting rights at the organizational meeting, each carrier member is entitled to one vote in person or by proxy. If the board of directors is not selected within sixty days after the organizational meeting, the commissioner shall appoint the initial board. In approving or selecting members of the board, the commissioner shall consider whether all carriers are fairly represented. Members of the board may be reimbursed from the moneys of the association for expenses incurred by them as members, but shall not be otherwise compensated by the association for their services.

Sec. ____ . Section 514E.2, Code 1989, is amended by adding the following new subsection 10 and renumbering the subsequent subsections:

NEW SUBSECTION. 10. The association is subject to oversight by the legislative fiscal committee of the legislative council. Not later than April 30 of

each year, the board of directors shall submit to the legislative fiscal committee a financial report for the preceding year in a form approved by the committee.

Sec. ____ . Section 514E.2, subsection 12, Code 1989, is amended by striking the subsection."

13. Page 22, by striking lines 3 and 4 and inserting the following: "for not more than the following full-time equivalent positions:"

14. Page 22, by striking line 6 and inserting the following:
"..... FTEs 12.5

Of the full-time equivalent positions authorized in this section, 11.5 FTEs are allocated to community services of which 3 FTEs are allocated to perform responsibilities related to section 249A.4, subsection 12, and 1.0 FTE is allocated to general administration."

15. Page 22, by striking lines 15 and 16 and inserting the following: "health services as provided under section 104 of this Act and to provide additional prevention services to women and children to decrease problems of pregnancy outcomes, to reduce the incidence of low birth weights, and to assist children with special health care needs:

..... \$ 520,000

Sec. 5000. CHILD HEALTH CARE SERVICES PROVIDED. There is appropriated from the general fund of the state to the Iowa department of public health for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To provide, within funds appropriated in this section, physician services to children eligible for services provided in child health centers under 641 I.A.C. ch. 76:

..... \$ 400,000

The physician services shall be subject to managed care and selective contracting provisions and shall be used to provide treatment of the children in a physician's office and shall include coverage of diagnostic procedures and prescription drugs required for the treatment. Services provided under this subsection shall be reimbursed according to Title XIX reimbursement rates."

16. Page 23, line 12, by striking the figure "205,000" and inserting the following: "275,000".

17. Page 24, by inserting after line 16 the following:

"____ . Of the funds appropriated in this section, \$15,000 is allocated for a public purpose to support farm family rehabilitation management in continuing the project to develop rehabilitation services and adaptive devices for farmers.

____ . Of the funds appropriated in this section \$15,000 is allocated to the institute of agricultural medicine and occupational health to develop program materials and program activities for farm families.

____ . Of the funds appropriated in this section, \$15,000 is allocated for a public purpose to grant to a nonprofit safety education and disaster services organization located in central Iowa to offer between five and ten courses around the state for farm families and farm workers. The courses shall cover first aid, lifesaving, farm accident prevention behaviors, and proper methods of handling farm chemicals.

____ . Of the funds appropriated in this section, \$25,000 is allocated to support the activities of a nonprofit grass-roots organization emphasizing farm safety for

children.”

18. Page 24, by striking lines 25 through 27 and inserting the following:

“1. Of the funds appropriated in this section, \$15,000 is allocated to support the surveillance and reporting of disabilities suffered by persons engaged in agriculture resulting from diseases or injuries, including identifying the amount and severity of agricultural related injuries and diseases in the state, identifying causal factors associated with agricultural related injuries and diseases, and evaluating the effectiveness of intervention programs designed to reduce injuries and diseases. The department shall cooperate with the department of agriculture and land stewardship, Iowa state university of science and technology, and the college of medicine at the university of Iowa.”

19. Page 25, by striking line 20 and inserting the following:

“For health care utilization information and a study as provided under”.

20. By striking page 25, line 23 through page 27, line 4 and inserting the following:

“Sec. 1107. PRIMARY AND PREVENTIVE HEALTH CARE FOR CHILDREN. If division II and section 1101 of this Act are enacted, there is appropriated from the general fund of the state to the Iowa department of public health for the fiscal period beginning October 1, 1989, and ending June 30, 1990, \$300,000 and in the fiscal years beginning July 1, 1990, and July 1, 1991, \$450,000, or so much thereof as is necessary, to be used for the purposes designated:

For the public purpose of providing a renewable grant, following a request for proposals, to a statewide charitable organization within the meaning of section 501(c)(3) of the Internal Revenue Code which was organized prior to April 1, 1989, and has as one of its purposes the sponsorship or support for programs designed to improve the quality, awareness, and availability of health care for the young, to serve as the funding mechanism for the provision of primary health care and preventive services to children in the state who are uninsured and who are not eligible under any public plan of health insurance, provided all of the following conditions are met:

1. The organization shall provide a match in advance of each state dollar provided as follows:

- a. In the fiscal year beginning July 1, 1989, two dollars.
- b. In the fiscal year beginning July 1, 1990, three dollars.
- c. In the fiscal year beginning July 1, 1991, four dollars.

2. The organization coordinates services with new or existing public programs and services provided by or funded by appropriate state agencies in an effort to avoid inappropriate duplication of services and ensure access to care to the extent as is reasonably possible. The organization shall work with the Iowa department of public health, family and community health division, to ensure duplication is minimized.

3. The organization's governing board includes in its membership representatives from the executive and legislative branches of state government.

4. Grant funds are available as needed to provide services and shall not be used for administrative costs of the department or the grantee.

5. Notwithstanding section 8.33, funds appropriated in this section which are unencumbered or unobligated on June 30, 1990, shall not revert to the general fund but shall remain available to the department for the provision of maternal and child health services.

6. The organization's purpose is consistent with the public policy stated in section

402 of this Act.

Sec. 1108. RURAL PILOT PROGRAM. There is appropriated from the general fund of the state to the Iowa department of public health for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To implement, in consultation with the center for health services research of the university of Iowa, a pilot program or programs established in a rural hospital or hospitals serving a designated county or multicounty area in Iowa for the provision of primary and preventive health care and inpatient services to persons who are uninsured, based upon the same eligibility guidelines as those established for the indigent patient program at the university of Iowa hospitals and clinics and subject to program approval and oversight by the advisory committee to the office of rural health as provided under section 702 of this Act and subject to the following conditions:

1. The aggregate payments to providers of services under the pilot program shall not exceed the aggregate payments that would have been made if the recipients had been eligible for and received services pursuant to the medical assistance program. The pilot program established pursuant to this section shall not be interpreted to create any entitlement to services on behalf of any eligible individual except to the extent that funding is available pursuant to this section.

2. The funds appropriated for the pilot program or programs shall be used by the rural hospital or hospitals selected for additional patient care and not for defraying other costs including but not limited to capital expenditure costs or costs of services which were rendered by the hospital or hospitals and for which the hospital or hospitals have not been reimbursed.

3. The program or programs shall develop cooperative agreements with hospitals in the selected county or multicounty area for the delivery of services.

4. A county in which a program operates shall agree to maintain its existing level of support for indigent and charity health care.

5. The program shall work with the university of Iowa family practice program in the delivery of health care services under the program:

..... \$ 500,000".

21. Page 27, by striking lines 10 and 11 and inserting the following:

"Persons with disabilities division, including not more than the following full-time equivalent positions:

..... \$ 50,000
..... FTEs 1.5".

22. Page 27, line 17, by inserting after the word "injuries." the following: "The advisory council shall conduct a survey designed to register persons who have an existing brain injury with the central registry for brain injuries, including persons who are institutionalized or in a residence."

23. Page 28, by inserting after line 26 the following:

"Sec. ____ . HEALTH CARE INSURANCE STUDY -- APPROPRIATION.

There is appropriated from the general fund of the state to the legislative council for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To contract with a consultant to implement a health care insurance study pursuant to section 3004 of this Act:

..... \$ 200,000".

24. Page 28, by striking lines 27 through 33 and inserting the following:

“Sec. ____ . PROGRAM EVALUATIONS REQUIRED. The Iowa department of public health shall perform evaluations of each of the pilot programs established pursuant to sections 5000, 1107, and 1108 of this Act. The evaluations shall include quarterly reports which detail program expenditures, services provided, and persons served according to demographic groupings. An evaluation report on each program shall be provided quarterly to the legislative fiscal committee and the legislative fiscal bureau.”

25. Title page, line 7, by inserting after the word “access” the following: “and a study of health care insurance”.

26. Title page, by striking lines 10 through 12, and inserting the following: “recipients of medical assistance; rural health systems delivery and related taxation and rural”.

27. Title page, by striking lines 16 and 17, and inserting the following: “assistance program; health care utilization; operation of the Iowa comprehensive health insurance association; making appropriations to certain state”.

28. Title page, line 18, by inserting after the word “agencies;” the following: “requiring certain employers to provide health insurance; providing a sales tax exemption to certain nonprofit health organizations;”.

29. By renumbering, relettering, or redesignating and correcting internal references as necessary.

On the Part of the Senate:

On the Part of the House:

CHARLES BRUNER, Chair
JOY CORNING
JEAN LLOYD-JONES
WILLIAM PALMER
MAGGIE TINSMAN

THOMAS JOCHUM, Chair
THOMAS FEY
MICHAEL PETERSON

REPORT OF THE SECOND CONFERENCE COMMITTEE
ON SENATE FILE 539

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 539, a bill for An Act relating to the taxation of certain pensions, annuities, and retirement allowances received for purposes of the state individual income tax and providing a retroactive applicability date, respectfully make the following report:

1. That the House recedes from its amendment, S-4116.
2. That Senate File 539, as amended, passed, and reprinted by the Senate, is amended as follows:
 1. Page 1, by striking lines 25 through 35.
 2. Page 2, line 32, by striking the word “sixty-two” and inserting the following: “fifty-five”.
 3. Page 3, line 9, by striking the words “eight thousand” and inserting the following: “two thousand five hundred”.
 4. Page 3, line 10, by striking the word “eleven” and inserting the following: “five”.

5. Page 3, by inserting before line 31 the following:

"Sec. ____ . The legislative council is requested to study, review, and report to the general assembly by January 15, 1990, on the state income taxation of pensions."

6. Page 3, by inserting after line 32 the following:

"Sec. ____ . Section 8 of this Act is repealed effective January 1, 1990, for tax years beginning on or after that date."

7. By renumbering as necessary.

On the Part of the Senate:

WILLIAM DIELEMAN, Chair
RICHARD DRAKE
DONALD E. GETTINGS
JOHN P. KIBBIE
JACK NYSTROM

On the Part of the House:

DAVID TABOR, Chair
KAY CHAPMAN
JOHN GRONINGA

**SENATE RESOLUTIONS AND
CONCURRENT RESOLUTIONS**
**Adopted by the Senate and not
Previously Printed During the**
SEVENTY-THIRD GENERAL ASSEMBLY
1989 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~~ seventy-third

5 general assembly.

6 BE IT RESOLVED BY THE SENATE, That the permanent

7 rules of the senate for the ~~seventy-second~~ seventy-8 third general assembly be as follows:

9 RULES OF THE SENATE

10 Rule 1

11 Quorum

12 A constitutional majority shall constitute a quorum

13 of the senate. Any senator may insist a quorum be

14 present.

15 Rule 2

16 Adoption and Amendment of Rules

17 Whenever the senate is operating under temporary

18 rules, the rules may be amended or repealed, or

19 permanent rules may be adopted, by a constitutional

20 majority of the senators. After adoption of permanent

21 rules of the senate during any general assembly, the

22 rules may be amended or repealed by a constitutional

23 majority of the senators.

24 Rule 3

25 Rules of Parliamentary Procedure

26 In cases not covered by senate rules or joint

27 rules, Mason's Manual of Legislative Procedure shall

28 govern.

29 Rule 4

30 Sessions of the General Assembly

Page 2

1 The election of officers, organization, hiring and

2 compensation of employees, and committees of the

3 senate shall carry over from the first to the second

4 regular sessions and to any extraordinary sessions of

5 the same general assembly.

6 All bills and resolutions introduced in the first

7 regular session of a general assembly which are not

8 withdrawn, lost, or indefinitely postponed shall carry

9 over into the second regular session and to any

10 extraordinary session of the same general assembly.

11 Appointments received from the governor for senate

12 confirmation during any session of a general assembly

13 shall be acted upon prior to adjournment of that

14 session as provided by section 2.32 of the Code.

15 Except as provided by this rule, upon the adjournment

16 of the first regular session and any extraordinary

17 session, each bill or resolution shall be

18 automatically referred back to the committee to which
 19 it was originally assigned. The secretary of the
 20 senate shall publish in the Journal a list of the
 21 bills returned to committee under this rule. Within
 22 seven days after the first committee meeting after the
 23 convening of the second regular session, committees
 24 shall either authorize the chair to refer such bills
 25 and resolutions to a subcommittee for consideration or
 26 report them out to the floor and place them on the
 27 calendar. The committee chair shall report to the
 28 senate the bill or resolution number and the names of
 29 the subcommittee members.
 30 Bills and resolutions which have been voted upon on

Page 3

1 final passage in any session shall remain on the
 2 calendar in the same status as at the end of the
 3 session at any subsequent regular or extraordinary
 4 session.

Rule 5

Regular Order of Daily Business

7 The following order shall govern, subject to any
 8 special order:

- 9 1. Correction of the journal.
- 10 2. Senators to be excused.
- 11 3. Communications to the Senate.
- 12 4. Introduction of bills and resolutions.
- 13 5. Points of personal privilege.
- 14 6. Consideration of senate calendar.

Rule 6

Senate Calendar

- 17 1. Each legislative day the secretary of the
 18 senate shall prepare a listing of bills to be known as
 19 the "Senate Calendar".
- 20 2. The senate calendar may contain a listing under
 21 the category "Special Order" which shall be placed at
 22 the head of the calendar. Bills in such category
 23 shall be those which are specifically set for debate
 24 by the majority leader with the consent of the senate
 25 on a certain date and time. Bills shall be listed by
 26 the secretary in the order they are set for debate.
- 27 3. The senate calendar shall include separate
 28 listings for any bills and resolutions in the
 29 following categories:
 30 a. Conference Committee Report

Page 4

- 1 b. Bills in Conference Committee

- 2 c. House Amendment to Senate Amendment to House
 3 File
 4 d. House Refuses to Concur in Senate Amendment to
 5 House File
 6 e. Senate Files Amended by the House
 7 f. Unfinished Business
 8 g. Motions to Reconsider
 9 h. Administrative Rules Nullification Resolutions
 10 i. Veto Messages from the Governor
 11 4. The secretary shall list bills and resolutions
 12 in the above categories in the order they are
 13 received. Upon their first publication in the
 14 calendar, bills and resolutions in the above
 15 categories may be called up for debate at any time by
 16 the majority leader. Motions to reconsider shall be
 17 called up as provided by Rule 24.
 18 5. The senate calendar shall include a listing of
 19 senate appropriations committee bills and bills
 20 reported out by the senate appropriations committee.
 21 The list shall be known as the "Appropriations
 22 Calendar". The secretary shall list the bills in the
 23 order they are received. Upon their first publication
 24 in the calendar, bills on the appropriations calendar
 25 may be called up for debate at any time by the
 26 majority leader provided they are eligible under Rule
 27 8.
 28 6. The senate calendar shall include a listing of
 29 bills which pertain to the levy, assessment or
 30 collection of taxes sponsored by or initially assigned

Page 5

- 1 to and reported out by the senate ways and means
 2 committee. The list shall be known as the "Ways and
 3 Means Calendar". The secretary shall list the bills
 4 in the order they are received. Upon their first
 5 publication in the calendar, bills on the ways and
 6 means calendar may be called up for debate at any time
 7 by the majority leader provided they are eligible
 8 under Rule 8.
 9 7. The senate calendar shall include a list of
 10 bills and resolutions, known as the "Regular
 11 Calendar", which shall consist of bills and
 12 resolutions reported out by a senate committee. The
 13 bills and resolutions reported out each day shall be
 14 placed in the order of their file numbers and
 15 following those reported out on previous days.
 16 Priority shall be given to senate over house bills and
 17 resolutions and to joint resolutions over bills.
 18 Bills and resolutions on the regular calendar shall be

19 considered in the order they are listed, provided they
20 are eligible under Rule 8.

21 A bill reported out of committee which is
22 subsequently referred to the ways and means or
23 appropriations committee and then reported out of that
24 committee, shall be returned to the regular calendar
25 and retain its original place thereon.

26 8. The senate calendar shall include a listing of
27 the governor's appointees to state boards,
28 commissions, and other offices requiring senate
29 confirmation. This listing shall be known as the
30 "Confirmation Calendar". Names on the confirmation

Page 6

1 calendar may be called up for confirmation at any time
2 by the majority leader provided they are eligible
3 under rule 59.

4 9. The majority leader, or in the absence of the
5 majority leader the assistant majority leaders, may
6 select from among the first twenty bills on the
7 previous legislative day's regular calendar and from
8 the bills selected create a new listing which shall be
9 known as the "Debate Calendar". The debate calendar
10 shall list bills as the majority leader expects to
11 take them up during the following week. A bill or
12 resolution on the debate calendar may be debated only
13 when eligible under Rule 8.

14 10. The majority leader, or in the absence of the
15 majority leader the assistant majority leaders, shall
16 create a list of bills or resolutions about which no
17 controversy is believed to exist which shall be known
18 as the "Proposed Noncontroversial Calendar". Bills or
19 resolutions included on this listing may be debated at
20 any time upon being called up for debate by the
21 majority leader. Any bill or resolution which
22 appeared on the previous day's regular calendar may be
23 placed by any senator on the proposed noncontroversial
24 calendar, which shall be published. Any bill or
25 resolution on the proposed noncontroversial calendar
26 shall be stricken from the list if any senator files a
27 written objection with the secretary of the senate on
28 the first or second legislative day after it appears
29 on the proposed noncontroversial calendar. Any bill
30 stricken from the proposed noncontroversial calendar

Page 7

1 shall be returned to its former place on the regular
2 calendar. The secretary shall prepare the

3 noncontroversial calendar which shall consist of all
4 bills or resolutions on the proposed noncontroversial
5 calendar to which no objection was received.

6 11. If the senate shall not be in session on a day
7 assigned in paragraphs nine and ten for action upon a
8 calendar, such assigned action shall occur on the next
9 succeeding legislative day.

10 12. On any bill called up for debate from any
11 calendar, debate may continue from day to day until it
12 is adopted, fails, or is postponed or deferred. If
13 further debate is postponed or deferred without a time
14 to continue being set, except for bills on the debate
15 calendar, the bill shall be listed as unfinished
16 business. Bills which are returned to the committee
17 of first referral or to a different committee after
18 being considered by the senate and classified as
19 unfinished business shall be returned to the
20 unfinished business calendar by that committee when
21 the bill is reported out of committee. The unfinished
22 business date on the calendar shall be the date on
23 which the bill was returned to committee. Bills on
24 the debate calendar upon which further debate is
25 postponed or deferred without a time to continue being
26 set shall return to the regular calendar.

27 Rule 7

28 Steering Committee

29 The senate may authorize the appointment of a
30 steering committee. The majority leader shall appoint

Page 8

1 the majority party members to the steering committee.
2 The minority leader shall appoint the minority party
3 members to the steering committee. The function of
4 the steering committee shall be to create its own
5 calendar from the bills and resolutions on the regular
6 calendar. Bills and resolutions on the steering
7 committee calendar shall have priority over bills and
8 resolutions on all other calendars, except the
9 appropriations calendar.

10 Rule 8

11 When Eligible for Consideration

12 Bills, resolutions, and appointments shall be
13 eligible for consideration by the senate as follows:
14 1. An appointment by the governor which requires
15 senate confirmation shall be eligible on the
16 legislative day after it is first printed in the
17 senate calendar as provided by Rule 59.
18 2. A house or individually sponsored bill or
19 resolution reported out by a committee shall be

- 20 eligible on the legislative day after it is first
 21 printed in the senate calendar.
- 22 3. A committee bill or resolution sponsored by the
 23 appropriations committee shall be eligible on the
 24 legislative day after it is first printed in the
 25 senate calendar.
- 26 4. Any committee bill or resolution, other than a
 27 bill or resolution sponsored by the appropriations
 28 committee, shall be eligible on the third legislative
 29 day ~~after~~ it is ~~first~~ printed in the senate calendar.
- 30 5. A bill that has been reported out to the senate

Page 9

- 1 calendar, referred to a different committee and
 2 reported out by that committee is eligible for
 3 consideration by the senate on the day it would have
 4 been eligible under subsection 2, 3, or 4, whichever
 5 is applicable, as if the bill had been printed in the
 6 calendar after having been reported out by the first
 7 committee.
- 8 6. Any bill or resolution placed on the steering
 9 committee calendar is eligible for consideration on
 10 the day of its placement on that calendar.
- 11 When a bill or resolution on the calendar is not
 12 yet eligible, the date when it will become eligible
 13 shall be printed in the calendar.

14 **Rule 9**

15 **Debate and Decorum**

- 16 Before addressing the senate, the senator shall
 17 request recognition by depressing the "speak" device
 18 and, when recognized, rise and respectfully address
 19 the chair.
- 20 The senator shall confine all remarks to the
 21 question under debate and shall avoid discussing
 22 personalities or implication of improper motives. No
 23 questions except by the senator recognized shall be
 24 entertained after a senator is recognized to give
 25 final remarks.

26 **Rule 10**

27 **Point of Personal Privilege**

- 28 A point of personal privilege shall only be
 29 recognized when there is no motion pending or other
 30 business being considered by the senate. Senators

Page 10

- 1 speaking on a point of personal privilege shall be
 2 limited to ten minutes.
- 3 **Rule 11**

4 Introduction and Presentation of Guests

5 Only former members of the senate and former and
6 present members of Congress shall be presented to the
7 senate, except that the president of the senate may
8 present a visitor whose presence is of special
9 significance to the senate. No presentation shall be
10 made during debate or discussion of legislation. The
11 presence of school groups accompanied by school
12 officials shall be announced by the president of the
13 senate and shall be recorded in the journal upon
14 written request of a member of the senate.

15 Rule 12

16 Form and Withdrawal of Motions, Amendments and Signatures

17 Motions need not be in writing unless required by
18 the president or by the senate. No motion requires a
19 second. Any amendment, motion (including a motion to
20 reconsider), or resolution may be withdrawn by the
21 mover if it has not been amended by the senate and if
22 no amendment is pending. All amendments to bills,
23 resolutions, and reports shall be in writing and filed
24 before being acted upon by the senate.

25 No amendment, resolution, bill, or conference
26 committee report shall be considered by the senate
27 without a copy of the amendment, resolution, bill, or
28 conference committee report being on the desks of the
29 entire membership of the senate prior to
30 consideration.

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1 All amendments, reports, petitions or other
2 documents requiring a signature shall have the name
3 typed under the place for the signature. Once a
4 signature is affixed and the document containing the
5 signature filed with the recording clerk in the well,
6 that signature shall not be removed.

7 When an amendment to a main amendment is filed that
8 would negate the effect of the main amendment and
9 thereby leave the bill unchanged, the presiding
10 officer shall have the authority to declare the
11 amendment to the main amendment out of order, subject
12 to an appeal to the full senate.

13 When a house amendment to a senate file is before
14 the senate, an amendment to the house amendment shall
15 be considered an amendment in the first degree.

16 When a ruling on germaneness is issued by the
17 presiding officer, it shall be accompanied by an
18 explanation of the ruling.

19 Rule 13

20 Order and Precedence of Motions and Amendments

21 When a question is under debate, no motion shall be
22 received but to adjourn, to recess, questions of
23 privilege, to lay on the table, for the previous
24 question, to postpone to a day certain, to refer, to
25 amend, to postpone indefinitely, to defer, or
26 incidental motions. A substitute is not in order
27 unless it is in the form of a motion to substitute.
28 Such motions shall have precedence in the order in
29 which they are named. No motion to postpone to a day
30 certain, to refer, or postpone indefinitely, being

Page 12

1 decided, shall be again allowed on the same day with
2 regard to the same question. A motion to strike out
3 the enacting clause of a bill shall have precedence
4 over all amendments and, if carried, shall be
5 considered equivalent to the rejection of the bill.
6 A motion to strike everything after the enacting
7 clause has precedence over a committee amendment and
8 all other amendments except one to strike the enacting
9 clause. A committee amendment has precedence over all
10 other amendments except as provided in this rule.
11 A motion to rerefer a bill to committee may specify
12 when the committee shall report the bill to the
13 senate. If the motion is adopted in such form, the
14 committee must report the bill by the date specified
15 with or without recommendation or the bill shall
16 automatically be returned to the calendar. When the
17 bill is returned to the calendar, it shall occupy the
18 same position it occupied at the time the bill was
19 rereferred to the committee. If the committee to
20 which the bill is rereferred submits an amendment in
21 its report, that committee amendment shall take
22 precedence over other amendments except if that
23 committee amendment is in conflict with amendments
24 previously adopted, the committee amendment shall not
25 be considered until consideration of motions to
26 reconsider the previously adopted amendments result in
27 removing the conflict.

28 Rule 14

29 Designation of Motions

30 MOTIONS BEFORE THE SENATE

Page 13

1 Motions before the senate shall be identified by
2 the following numerical designations, which and shall
3 be displayed on the electronic voting system display
4 boards following the word "motion":

- 5 1. Quorum call (and call of the senate roll call).
- 6 2. Motion to recess or adjourn.
- 7 3. Motion to refer.
- 8 4. Motion to defer or postpone.
- 9 5. Motion to reconsider and lay the motion to
- 10 reconsider on the table (Double-barreled motion).
- 11 6. Motion to table or take from the table.
- 12 7. Motion to suspend the rules.
- 13 8. Motion to adopt a report (including a
- 14 conference committee report).
- 15 9. Motion to confirm an appointment of the
- 16 governor.
- 17 10. Motion to concur in house amendment (Refuse to
- 18 concur).
- 19 11. Motion to recede (Insist).
- 20 12. Motion for the previous question.
- 21 13. Motion to sustain a decision of the chair.
- 22 14. Motion to strike the enacting clause.
- 23 15 All other motions.

Rule 15

Motions Debatable and not Debatable

Nondebatable Motions

- 24
- 25 The following motions are not debatable:
- 26 Adjourn
- 27 Recess
- 28 Call of the Senate

Page 14

- 1 Lay on Table or Take from Table
- 2 Previous Question
- 3 Reconsider vote by which bill was placed on last reading.
- 4 A Motion to Reconsider and Lay the Motion to Reconsider
- 5 on the Table (Double-barreled Motion).
- 6 A motion to suspend the rules is debatable.
- 7
- 8

Rule 16
- 9

Division of the Question
- 9 Any senator may call for a division of a question,
- 10 which shall be divided if it includes propositions so
- 11 distinct that if one is taken away, a substantive
- 12 proposition shall remain in a technically proper form
- 13 for the decision of the senate. A motion to strike
- 14 out and insert is indivisible; but a motion to strike
- 15 out, if lost, shall not preclude amendments to the
- 16 matter attempted to be stricken or a motion to strike
- 17 out and insert.

2 the whole senate when it wishes to permit more free
3 and informal discussion. Persons other than senators
4 may appear and present information.

5 Any senator may move "that the senate now resolve
6 itself into a committee of the whole to consider" a
7 stated subject. The motion to resolve into a
8 committee of the whole is equivalent to a motion to
9 refer.

10 The president of the senate shall be chair of the
11 committee of the whole unless otherwise ordered by the
12 senate.

13 The procedure in committee of the whole is subject
14 to the rules of the senate. The previous question and
15 the motion to reconsider shall be in order.

16 The committee of the whole cannot take any final
17 action and its power is limited to recommendation to
18 the senate. The proceedings of the committee of the
19 whole, including any roll call vote, shall be printed
20 in the journal.

21 Any senator may at any time, except while voting or
22 while a senator has the floor, move that "the
23 committee rise and report" which is equivalent to a
24 motion to adjourn.

25 After adoption of the motion to rise, the chair
26 shall report to the senate in the same manner as other
27 committee reports are given.

28 Rule 20

29 Last Reading and Passage of Bills

30 When a motion to place a bill on its last reading

Page 17

1 is lost, the same motion shall be in order at any
2 later time. After the last reading of a bill, no
3 amendment shall be received. The vote on final
4 passage shall be taken immediately without debate.

5 Rule 21

6 Engrossment of Bills

7 An engrossment is a proofreading and verification
8 in order to be certain that a bill before the senate
9 is identical with the original bill as introduced with
10 all amendments which have been adopted correctly
11 inserted. A bill shall be considered engrossed when
12 ordered to its last reading.

13 In an engrossed bill, all obvious typographical,
14 spelling or other clerical errors are corrected and
15 section or paragraph numbers and internal references
16 are changed as required to conform the original bill
17 to any amendments which have been adopted. All such
18 corrections or changes shall be reported in the

19 journal by the secretary of the senate. The engrossed
20 bill shall be placed in the bill file with the
21 original bill and amendments.

22 Rule 22

23 Manner of Voting

24 On voice vote, the question shall be distinctly put
25 in this form: "Those in favor of (the question) say
26 "aye"." "Those opposed to (the question) say "no"."

27 A non-record or record roll call vote may be
28 requested by any senator or ordered by the president
29 any time before the results are announced. A non-
30 record roll call shall be requested by asking for a

Page 18

1 "division". A record roll call shall be requested by
2 asking for a "roll call". Upon request for a non-
3 record or record roll call vote, the president shall
4 announce that such a non-record or record roll call
5 vote has been requested and shall state the question
6 to be put to the senate. The president then shall
7 direct the secretary of the senate to receive the
8 votes.

9 Senators present may cast their votes, either by
10 operating the voting mechanism located at their
11 assigned desk or by signaling the president if they
12 are unable to vote at their assigned desk. The
13 president shall enter the votes of senators signaling
14 their votes.

15 After sufficient time has elapsed for all senators
16 present to record their votes, the president shall
17 direct the secretary of the senate to close the voting
18 system. The president shall still enter the senators'
19 votes at any time prior to directing the secretary of
20 the senate to lock the voting system. The president
21 shall then immediately announce the vote.

22 During a non-record or record roll call vote, both
23 individual votes and vote totals shall be indicated
24 openly on the display boards. On non-record roll
25 calls, only vote totals shall be printed in the
26 journal.

27 In the event the electronic voting system is not in
28 operating order, the president shall direct the
29 secretary of the senate to take the non-record or
30 record roll call by calling the names of the senators

Page 19

1 in alphabetical order.

2 Rule 23

3

Duty of Voting

4 Every senator present when a question is put shall
5 vote "aye", "no" or "present" unless previously
6 excused by the senate. Upon demand being made by any
7 senator, the secretary of the senate shall call in
8 alphabetical order the names of the senators not
9 voting or voting "present". Those senators called
10 shall vote "aye" or "no" unless the senator states a
11 personal interest in the question or concludes that he
12 or she should not vote under the senate code of
13 ethics.

14

Rule 24

15

Reconsideration

16 When a main motion or main question has been
17 decided by the senate, any senator having voted on the
18 prevailing side may move to reconsider the vote on the
19 same or next legislative day. Motions to reconsider a
20 vote by which a bill or joint resolution was adopted
21 on final passage shall be in writing and filed with
22 the secretary of the senate. A motion to reconsider
23 an amendment to a main motion or main question shall
24 be in writing and filed with the secretary of the
25 senate. A motion to reconsider an amendment to a main
26 motion or main question shall be taken up for
27 consideration only prior to the disposition of the
28 main question or upon reconsideration of the main
29 question. A constitutional majority by a record roll
30 call is necessary to reconsider a bill or joint

Page 20

1 resolution. During three legislative days from the
2 date the motion to reconsider a bill or resolution is
3 filed, only the mover may call it up. Thereafter, any
4 senator may call up the motion. If a date for
5 adjournment has been set by resolution of the senate,
6 any senator may call up a motion to reconsider at any
7 time within three days prior to the date set for
8 adjournment.

9 If the motion to reconsider a bill or resolution
10 prevails, motions to reconsider amendments thereto
11 shall be in order and shall be disposed of without
12 delay.

13 A motion that any action taken by the senate be
14 reconsidered and the motion to reconsider be laid upon
15 the table shall be a single and indivisible motion,
16 known as the double-barreled motion, which, if
17 carried, shall have the effect of preventing
18 reconsideration unless a motion to take from the table
19 prevails. A constitutional majority is necessary for

20 the double-barreled motion to prevail on a bill or
 21 joint resolution. The double-barreled motion can only
 22 be made from the floor after the vote is announced and
 23 the member who moved the final reading shall have
 24 priority in making it.
 25 A motion to reconsider and lay on the table shall
 26 have priority over a motion to reconsider if they are
 27 both filed on the same legislative day.
 28 In the event that a motion to reconsider is pending
 29 at the end of the first session or any extraordinary
 30 session of any general assembly, or the general

Page 21

1 assembly adjourns sine die, and the motion has not
 2 been voted upon by the senate, it shall be determined
 3 to have failed.

Rule 25**Suspension of Rules and Taking from Table**

6 No standing rule or rules incorporated by reference
 7 under Rule 3 or order of the senate shall be rescinded
 8 or suspended, nor shall any matter, tabled upon
 9 motion, be taken up, except by an affirmative vote of
 10 a constitutional majority of the senate.

INTRODUCTION AND FORM OF BILLS**Rule 26****Time and Method of Introducing Bills and Amendments**

14 All bills to be introduced in the senate shall be
 15 typed in proper form by the legislative service bureau
 16 and shall be filed with the recording clerk ~~not later~~
 17 ~~than 2:00 p.m.~~

18 All amendments shall be typed in proper form and
 19 filed with the recording clerk not later than 4:30
 20 p.m., or adjournment, whichever is later, in order to
 21 be listed in the following day's clip sheet.

22 An "impact amendment" is an amendment which
 23 reasonably could have an annual effect of at least one
 24 hundred thousand dollars or a combined total effect
 25 within five years after enactment of five hundred
 26 thousand dollars or more on the aggregate revenues,
 27 expenditures or fiscal liability of the state or its
 28 subdivisions.

29 An impact amendment to a bill which has been on the
 30 special order calendar for at least three full

Page 22

1 legislative days prior to its consideration shall not
 2 be taken up by the senate unless:
 3 1) a fiscal note is attached, and the amendment is

4 filed at least one legislative day prior to the date
5 set for consideration of the bill; or

6 2) the amendment is an appropriation or other
7 measure where the total effect is stated in dollar
8 amounts.

9

Rule 27

10

Limit on Introduction of Bills

11 No bill or joint resolution, except bills and joint
12 resolutions cosponsored by the majority and minority
13 floor leaders, shall be introduced in the senate after
14 4:00 p.m. on Friday of the seventh week of the first
15 regular session of a general assembly unless a written
16 request for drafting the bill has been filed with the
17 legislative service bureau before that time. After
18 adjournment of the first regular session, bills may be
19 prefiled at any time before the convening of the
20 second regular session. No bill shall be introduced
21 after 4:00 p.m. on Friday of the second week of the
22 second regular session of a general assembly unless a
23 written request for drafting the bill has been filed
24 with the legislative service bureau before that time.
25 However, standing committees may introduce bills and
26 joint resolutions at any time. A bill which relates
27 to departmental rules sponsored by the administrative
28 rules review committee and approved by a majority of
29 the members of the committee in each house may be
30 introduced at any time and must be referred to a

Page 23

1 standing committee which must take action on the bill
2 within three weeks. Senate and concurrent resolutions
3 may be introduced at any time.

4 No bill, joint resolution, concurrent resolution or
5 senate resolution shall be introduced at any
6 extraordinary session unless sponsored by a standing
7 committee or the committee of the whole.

8

Rule 28

9 Introduction, Reading and Form of Bills and Resolutions

10

11 Every senate bill and resolution shall be
12 introduced by one or more senators or by any standing
13 committee of the senate and shall at once be given its
14 first reading.

15 If the senate is in session when a bill or
16 resolution is introduced, the first reading shall
17 consist of reading its file number, the title and
18 sponsor of the bill. If the senate is not in session
19 but a journal is published for the day, the first
20 reading shall consist of a journal entry of the bill's
file number, title, sponsor and the notation "Read

21 first time under Rule 28.”

22 Any bill or resolution approved for introduction by
23 a standing committee during an interim period between
24 sessions of one General Assembly shall be introduced
25 without further action by the committee at the next
26 succeeding regular session of the same General
27 Assembly and placed immediately upon the regular
28 calendar.

29 Every bill and resolution referred to committee
30 shall have received two readings before its passage.

Page 24

1 The subject of every bill shall be expressed in its
2 title.

3 Rule 29

4 Explanations

5 No bill, except appropriation committee bills and
6 simple or concurrent resolutions, shall be introduced
7 unless a concise and accurate explanation is attached.
8 The chief sponsor or a committee to which the bill has
9 been referred may add a revised explanation at any
10 time before the last reading, and it shall be included
11 in the daily clip sheet.

12 Rule 30

13 Resolutions

14 A “senate resolution” is a resolution acted upon
15 only by the senate which expresses sentiment or is
16 used for the appointment of special committees within
17 the senate. A senate resolution requires the
18 affirmative vote of a majority of the senators present
19 and voting. A senate resolution shall be filed with
20 the secretary of the senate. A senate resolution
21 shall be printed in the bound journal after its
22 adoption and in the daily journal upon written request
23 to the secretary of the senate by the sponsor of the
24 resolution.

25 Rule 31

26 Nullification Resolutions

27 A nullification resolution may be introduced by a
28 standing committee, the administrative rules review
29 committee, or any member of the senate. A
30 nullification resolution introduced by the

Page 25

1 administrative rules review committee or a member of
2 the senate shall be referred to the same standing
3 committee it would be referred to if it was a bill.
4 Any nullification resolution may be referred to the

22 senator, a committee chairperson shall submit three
 23 copies to the secretary of the senate. Study bills
 24 received in the secretary of the senate's office
 25 before 3:00 p.m. shall be filed, numbered, and
 26 reported in the journal for that day. Study bills
 27 received in the secretary of the senate's office after
 28 3:00 p.m. shall be filed, numbered, and reported in
 29 the journal for the subsequent day. The secretary
 30 shall number such bills in consecutive order. The

Page 27

1 secretary shall maintain a record of all study bills
 2 and their assigned number. Committee records shall
 3 refer to study bills by the number assigned by the
 4 secretary.

5 4. The secretary shall file a report in the
 6 journal of each study bill received. The report shall
 7 show the study bill number, its title or subject
 8 matter and the committee which is considering it. If
 9 a study bill is referred to a subcommittee, then the
 10 committee chairperson shall report in the journal the
 11 names of the subcommittee members to which it is
 12 assigned.

13 5. If a committee bill or resolution is introduced
 14 which was not previously the subject of a study bill
 15 in the sponsoring committee, the majority leadership
 16 may re-refer the bill back to the committee.

17 6. A study bill not prepared by the legislative
 18 service bureau may be submitted to a standing
 19 committee, but shall not be considered by the full
 20 committee unless reviewed and typed in proper form by
 21 the legislative service bureau.

22 COMMITTEES AND COMMITMENT

23 Rule 34

24 Committee Appointments

25 Committee appointments shall be made by the
 26 majority leader for majority party members, after
 27 consultation with the president, and by the minority
 28 leader for minority party members, after consultation
 29 with the president. No senator shall serve on more
 30 than five committees. The majority leader, after

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1 consultation with the president, shall designate the
 2 chairperson and vice-chairperson of each standing
 3 committee. The minority leader, after consultation
 4 with the president, shall designate the ranking
 5 member of each standing committee from the minority

6 membership of that committee.

7 Rule 35

8 Standing Committees

9 The names of the standing committees of the senate
10 shall be:

11 Agriculture

12 Appropriations

13 Business and labor relations

14 Commerce

15 Education

16 Environment and energy utilities

17 Human resources

18 ~~Governmental oversight~~

19 Judiciary

20 Local government

21 Natural resources

22 Rules and administration

23 Small business and economic development

24 State government

25 Transportation

26 Ways and means

27 Rule 36

28 Committee on Rules and Administration

29 The committee on rules and administration shall

30 recommend rules and rule changes to the senate, shall

Page 29

1 hire senate employees, shall recommend salary scales

2 for all senate employees, and shall oversee senate

3 budget and administration matters.

4 The committee on rules and administration will

5 select, for senate approval, an individual to serve as

6 secretary of the senate.

7 Upon authorization being given by the committee on

8 rules and administration, the minority party members

9 of the committee will select, for senate approval, an

10 individual to serve as assistant parliamentarian.

11 Rule 37

12 Appropriations Committee

13 ~~The appropriations committee shall consist of~~

14 ~~eighteen members, eleven of whom shall be members of~~

15 ~~the majority party and seven of whom shall be members~~

16 ~~of the minority party.~~ The appropriations committee

17 shall receive bills committed to it and shall assign

18 each to one of the appropriations subcommittees.

19 There shall be ten appropriations subcommittees

20 which shall be named:

21 Administration

- 22 Agriculture/Natural Resources
- 23 Claims
- 24 Economic Development and Iowa Plan
- 25 Education
- 26 Health and Human Rights
- 27 Human Services
- 28 Justice System
- 29 Regulation
- 30 Transportation and Safety

Page 30

- 1 The appropriations subcommittees shall receive
- 2 bills assigned to them or may originate proposed bills
- 3 within the subcommittee's jurisdiction as defined by
- 4 the appropriations committee for consideration by the
- 5 appropriations committee. Each subcommittee may
- 6 submit amendments to bills together with the
- 7 subcommittee's recommended action to the
- 8 appropriations committee.
- 9 If a bill or proposed bill is first submitted by an
- 10 appropriations subcommittee to the appropriations
- 11 committee prior to Friday of the 7th week of the first
- 12 session or the 5th week of the second session, the
- 13 appropriations committee may either report the bill
- 14 out or approve the proposed bill for introduction by
- 15 the appropriations committee or re-refer it together
- 16 with the appropriations committee's objections to the
- 17 appropriations subcommittee from which it was
- 18 originally referred or which originated the proposed
- 19 bill.
- 20 If a bill or proposed bill is submitted to the
- 21 appropriations committee a second time by an
- 22 appropriations subcommittee, or if a bill or proposed
- 23 bill is submitted after Friday of the 7th week of the
- 24 first session or the 5th week of the second session,
- 25 the appropriations committee may:
- 26 1. report the bill or approve the proposed bill
- 27 for introduction by the appropriations committee;
- 28 2. report the bill with appropriations committee
- 29 amendments;
- 30 3. draft a new bill for sponsorship by the

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- 1 appropriations committee and report it; or
- 2 4. re-refer it together with the appropriations
- 3 committee's objections to the appropriations
- 4 subcommittee from which it was originally referred or
- 5 which originated the draft bill.

6 The appropriations committee is authorized to meet
 7 anytime upon call of the chairperson to:
 8 1. Act upon bills or proposed bills submitted to
 9 it by appropriations subcommittees as provided by this
 10 rule.
 11 2. Prepare, review or revise a proposed
 12 legislative budget.
 13 3. After Friday of the 7th week of the first
 14 session or the 5th week of the second session,
 15 initiate any bill relating to budget or appropriation
 16 matters.
 17 The appropriations committee may meet jointly with
 18 the appropriations committee of the house of
 19 representatives.

20 Rule 38

21 First Reading and Commitment

22 Upon the first reading of an individual bill or
 23 resolution, or a house committee bill or resolution,
 24 the president shall refer the bill or resolution to an
 25 appropriate standing committee unless otherwise
 26 ordered by the senate. If the bill or resolution is a
 27 senate committee bill or resolution, the president
 28 shall place it on the calendar after its first
 29 reading. If the subject of the bill or resolution is
 30 not germane to the title of the committee presenting

Page 32

1 it, the president or the senate may refer it to a
 2 committee deemed appropriate.
 3 All bills carrying an appropriation for any purpose
 4 or involving the expenditure of state funds shall be
 5 referred to the committee on appropriations.
 6 All bills pertaining to the levy, assessment or
 7 collection of taxes or fees shall be referred to the
 8 committee on ways and means.
 9 Any bill which provides for a new state board,
 10 commission, agency or department or makes separate or
 11 autonomous an existing state board, commission, agency
 12 or department, shall be referred to the committee on
 13 state government. This rule shall also apply when
 14 such a provision is added to a bill or resolution by
 15 amendment adopted by the senate. If the bill or
 16 resolution is so referred after being sponsored or
 17 reported out by another committee, and if the
 18 committee on state government does not report out the
 19 bill or resolution within ten legislative days after
 20 referral, the bill or resolution shall automatically
 21 be restored to the calendar with the same priority it
 22 had immediately before referral.

23

Rule 39

24

Rules for Standing Committees

25

26 The following rules shall govern all standing
27 committees of the senate. Any committee may adopt
28 additional rules which are consistent with these
29 rules:

29

1. A majority of the members shall constitute a
30 quorum.

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1

2. The chair of a committee shall refer each bill
2 and resolution to a subcommittee within seven days
3 after the bill or resolution has been referred to the
4 committee. The chair may appoint subcommittees for
5 study of bills and resolutions without calling a
6 meeting of the committee, but the subcommittee must be
7 announced at the next meeting of the committee. No
8 bill or resolution shall be reported out of a
9 committee until the next meeting after the
10 subcommittee is announced, except that the chair of
11 the appropriations committee may make the announcement
12 of the assignment to a subcommittee by placing a
13 notice in the journal. Any bill so assigned by the
14 appropriations committee chair shall be eligible for
15 consideration by the committee upon report of the
16 subcommittee but not sooner than three legislative
17 days following the publication of the announcement in
18 the journal.

19

When a bill or resolution has been assigned to a
20 subcommittee, the chair shall report to the senate the
21 bill or resolution number and the names of the
22 subcommittee members and such reports shall be
23 reported in the journal. Subcommittee assignments
24 shall be reported to the journal daily. Reports filed
25 before 3:00 p.m. shall be printed in the journal for
26 that day; reports filed after 3:00 p.m. shall be
27 printed in the journal for the subsequent day.

28

Where standing subcommittees of any committee have
29 been named, the names of the members and the title of
30 the subcommittee shall be published once and

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1 thereafter publication of assignments may be made by
2 indicating the title of the subcommittee.

3

3. No bill or resolution shall be considered by a
4 committee until it has been referred to a subcommittee
5 and the subcommittee has made its report unless
6 otherwise ordered by a majority of the members.

7 4. The rules adopted by a committee, including
8 subsections 2, 3, 9, 10, 11, and 12 of this rule, may
9 be suspended by an affirmative vote of a majority of
10 the members of the committee.

11 5. The affirmative vote of a majority of the
12 members of a committee is needed to sponsor a
13 committee bill or resolution or to report a bill or
14 resolution out for passage.

15 6. The vote on all bills and resolutions shall be
16 by roll call unless a short-form vote is unanimously
17 agreed to by the committee, and a A record shall be
18 kept by the secretary.

19 7. No committee, except a conference committee or
20 the steering committee, is authorized to meet when the
21 senate is in session.

22 8. A subcommittee shall not report a bill to the
23 committee unless the bill has been typed into proper
24 form by the legislative service bureau.

25 9. A bill or resolution shall not be voted upon
26 the same day a public hearing is held on that bill or
27 resolution. The presence or participation of a member
28 of the legislature, official of the state, state
29 department head, member of the press, legislative
30 staff member assigned to the committee, or a person

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1 invited by the committee is not considered a public
2 hearing.

3 10. Public hearings may be called at the
4 discretion of the chair. The chair shall call a
5 public hearing upon the written request of one-half
6 the membership of the committee. The chair shall set
7 the time and place of the public hearing.

8 11. A subcommittee chair must notify the committee
9 chair not later than one legislative day prior to
10 bringing the bill or resolution before the committee.
11 The committee cannot vote on a bill or resolution for
12 at least one full day following the receipt of the
13 subcommittee report by the chairperson.

14 12. A motion proposing action on a bill or
15 resolution that has been defeated by a committee shall
16 not be voted upon again at the same session of the
17 committee.

18 13. Committee meetings shall be open.

19 Rule 40 20 Voting in Committee

21 All committee meetings shall be open at all times.
22 Voting by secret ballot is prohibited. Roll call
23 votes shall be taken in each committee when final

24 action on any bill or resolution is voted, unless a
 25 short-form vote is unanimously agreed to by the
 26 committee. A roll call vote also shall be taken in
 27 each committee or at the request of a member upon any
 28 amendment or motion. All results shall be entered in
 29 the minutes which shall be public records. Records of
 30 these votes shall be made available by the chair or

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1 the committee secretary at any time. This rule also
 2 applies to the steering committee and appropriations
 3 subcommittees.
 4 The committee shall not authorize the introduction
 5 of a committee bill or resolution until the members
 6 have received final copies of the bill or resolution
 7 with amendments or changes incorporated, and typed
 8 into proper form by the legislative service bureau;
 9 ~~provided that the.~~ The committee can may, by
 10 unanimous consent, dispense with this requirement when
 11 only nonsubstantive amendments or changes are
 12 necessary to correct the bill or resolution, or when a
 13 study bill or individually sponsored bill is voted out
 14 as a committee bill with no change in the text of the
 15 bill or the title.
 16 The legislative service bureau shall file a report
 17 with the committee members detailing the amendments or
 18 changes and this report shall become a part of the
 19 committee report.

20 Rule 41

21 Announcement of Committee Meetings

22 It shall be in order for the chair of any committee
 23 to announce to the senate the time and place of
 24 committee meetings. The announcement shall include a
 25 proposed agenda for the meeting. The sergeant-at-arms
 26 shall post at the rear of the chamber the daily
 27 schedule of committee meetings.

28 Rule 42

29 Withdrawal of Bills and Resolutions from Committee
 30 The secretary of the senate shall note on each bill

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1 and resolution the date of its reference to committee.
 2 No bill or resolution shall be withdrawn from any
 3 committee within fifteen legislative days after the
 4 bill or resolution has been referred to the committee
 5 and thereafter only upon written petition for the
 6 withdrawal of such bill or resolution signed by a
 7 constitutional majority of the senators, except as

8 provided in Rule 37. Only senators may circulate such
9 a petition.

10 Rule 43

11 Committee Reports

12 All committees shall file a report with the
13 secretary of the senate of committee meetings. Such
14 reports shall contain the following information:

- 15 a. The time the meeting convened;
- 16 b. Those senators who were present and absent at
17 the time the meeting convened, as well as the time any
18 senator, who was not present at the time the meeting
19 convened, arrives for the meeting;
- 20 c. The vote on any bill or resolution reported out
21 of the committee for floor action;
- 22 d. The title of the bill;
- 23 e. The file number of the bill or resolution (if
24 known);
- 25 f. Whether the committee recommends that the bill
26 or resolution be passed, amended and passed,
27 indefinitely postponed, or considered without
28 committee recommendation;
- 29 g. An indication of other bills or matters
30 discussed;

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1 h. Such other matters as the committee chair shall
2 direct; and

3 i. The time the meeting adjourned.

4 No committee report shall be read, but all
5 committee reports shall be printed by the secretary in
6 the journal. Upon printing, all committee reports
7 shall then stand approved unless the senate directs
8 otherwise.

9

Rule 44

10 Bills or Resolutions Recommended for Indefinite Postponement

11 When a question is postponed indefinitely, it shall
12 not be again acted upon during that general assembly.
13 If a bill or resolution is reported back from a
14 committee recommending indefinite postponement, the
15 report shall be placed on the calendar and shall be
16 disposed of within three legislative days. If not,
17 the committee recommendation shall be considered
18 adopted. However, no senate bill or resolution
19 recommended for indefinite postponement shall be
20 considered in the absence of the chief sponsor or, if
21 a house bill or resolution, in the absence of the
22 senator representing the district in which the sponsor
23 resides. If a committee report recommends indefinite
24 postponement, it shall require a vote of thirty-four

25 senators to prevent indefinite postponement, and
26 debate shall be limited to ten minutes on each side.

27 GENERAL RULES

28 Rule 45

29 Admission to Senate Chamber
30 and Prohibition of Lobbying

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1 While the senate is in session and for a period of
2 fifteen minutes before the convening of any session
3 and sixty minutes after the daily adjournment, only
4 legislators, employees of the senate, authorized
5 senate interns, immediate families of senators, doctor
6 of the day, minister of the day, and their immediate
7 families and aides to senators shall be allowed in the
8 senate chamber. Employees of the legislative service
9 bureau authorized by its director and employees of the
10 legislative fiscal bureau authorized by its director
11 shall be allowed in the senate chamber. A person or
12 group accompanied by a senator or persons going
13 directly to committee meetings may be admitted during
14 recess. Former legislators not registered as
15 lobbyists in either house shall also be admitted to
16 the senate floor. News reporters shall be permitted
17 to occupy the seats assigned for the press and to go
18 to or from those seats. No other persons shall be
19 allowed on the senate floor without express permission
20 of the presiding officer of the senate. The presiding
21 officer shall require persons normally allowed in the
22 senate chamber, other than senators, to leave the
23 chamber if they are not at that time necessary for the
24 senate's business.

25 The persons who shall have access to the senate
26 chamber, and the times access shall be available, and
27 the rules governing their activities in the chamber
28 shall be as prescribed by the rules and administration
29 committee pursuant to a written policy adopted by the
30 committee and filed with the secretary of the senate.

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1 Rule 46

2 Legislative Interns and Aides

3 Legislative interns for senators shall be allowed
4 on the floor of the senate in accordance with Rule 45;
5 provided that each intern first has obtained a name
6 badge from the secretary of the senate. The secretary
7 of the senate shall issue an appropriate name badge to
8 all interns for senators.

9 In addition, those persons designated as "aides to
10 senators" shall be allowed on the floor of the senate.
11 The secretary of the senate shall issue an appropriate
12 name badge for such individuals.

13 Rule 47

14 Clearing of Lobby and Gallery
15 In case of disturbance or disorderly conduct in the
16 lobby or gallery, the presiding officer may order it
17 cleared.

18 Rule 48

19 Presentation of Petitions

20 Each petition shall contain a brief statement of
21 its subject matter and the name of the senator
22 presenting it. Petitions shall be filed with the
23 secretary of the senate and shall be noted in the
24 journal.

25 Rule 49

26 Distribution of Printed Material

27 No general distribution of printed material in the
28 senate shall be allowed unless authorized by the
29 secretary of the senate or by a senator.

30 Rule 50

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1 Concerning the Printing of Papers

2 Any paper, other than that contemplated by Section
3 10, Article III of the Constitution of the State of
4 Iowa, presented to the senate may, with the consent of
5 a constitutional majority, be printed in the journal.

6 Rule 51

7 Reprinting of Documents

8 When any bill has been substantially amended by the
9 senate, the secretary of the senate shall order the
10 bill reprinted on paper of a different color. All
11 adopted amendments inserting new material shall be
12 distinguishable.

13 The secretary of the senate may order the printing
14 of a reasonable number of additional copies of bills,
15 resolutions, amendments or journals.

16 OFFICERS AND EMPLOYEES

17 Rule 52

18 Duties of the President

19 The president shall call the senate to order at the
20 hour to which the senate is adjourned. Unless
21 otherwise ordered by the senate, the president shall
22 proceed with the regular order of daily business. The
23 president shall preserve order and decorum and decide
24 all questions of order and corrections to the journal,
25 subject to an appeal to the senate.

26 Rule 53
 27 The President Pro Tempore
 28 The senate shall elect a president pro tempore.
 29 When the president is absent, the president pro
 30 tempore shall preside, except when the chair is filled

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1 by temporary appointment by the president or the
 2 majority leader.

3 Rule 54

4 Secretary of the Senate

5 The secretary of the senate shall be an officer of
 6 the senate and shall:

- 7 1. Serve as chief administrative officer of the
 8 senate.
 - 9 2. Have charge of the secretary's desk.
 - 10 3. Be responsible for the custody and safekeeping
 11 of all bills, resolutions, and amendments filed,
 12 except while they are in the custody of a committee.
 - 13 4. Have charge of the daily journal.
 - 14 5. Have control of all rooms assigned for the use
 15 of the senate.
 - 16 6. Keep a detailed record of senate action on all
 17 bills and resolutions.
 - 18 7. Insert adopted amendments into bills before
 19 transmittal to the house of representatives and prior
 20 to final enrollment.
 - 21 8. Prescribe the duties of and supervise all
 22 senate employees.
 - 23 9. Authorize all expenditures of funds within the
 24 senate budget.
- 25 The secretary of the senate shall also act as
 26 senate parliamentarian and shall:
- 27 1. Advise the presiding officer of the senate
 28 about parliamentary procedures during deliberations of
 29 the senate.
 - 30 2. Perform other duties as prescribed by the

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1 committee on rules and administration.
 2 3. Process the handling of amendments when filed
 3 and during the floor consideration of bills.

4 Rule 55

5 Legal Counsel

6 The legal counsel shall be a contractual employee
 7 of the senate and shall:

- 8 1. Serve as attorney and counselor for the senate.

9 2. At the request of the majority and minority
10 leaders, research any legal issue in which the senate
11 has an interest. However, the legal counsel shall not
12 issue nor venture any opinions on unresolved questions
13 of law unless permitted by both the majority and
14 minority leaders.

15

Rule 56

16

Sergeant-at-Arms

17 The sergeant-at-arms shall be an employee of the
18 senate and shall:

19 1. Wear the appropriate badge of his or her
20 office.

21 2. Attend the senate during its sessions.

22 3. Aid in the enforcement of order under the
23 direction of the president of the senate and the
24 secretary of the senate.

25 4. Execute the commands of the senate.

26 5. See that no unauthorized person disturbs the
27 contents of the senators' desks.

28 6. Supervise the doorkeepers, the assistant
29 sergeant-at-arms, and pages.

30 7. Announce all delegations from the governor or

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1 house.

2 8. Supervise the seating of visitors and press
3 representatives.

4

Rule 57

5

Senate Secretaries

6 Every senator shall be permitted to employ for each
7 session of a general assembly a personally selected
8 secretary.

9

Rule 58

10

Use of Electronic Voting System

11 Any officer or employee of the senate, other than a
12 duly elected member of the senate, who operates the
13 electronic voting machine mechanism located at the
14 desk of said member of the senate shall be subject to
15 immediate termination from employment. The provisions
16 of this paragraph only shall apply during the taking
17 of a roll call vote or division utilizing the
18 electronic voting system.

19

CONFIRMATION OF APPOINTMENTS

20

Rule 59

21

Appointments

22 The secretary of the senate shall:

23 a. send, to each appointee submitted by the
24 governor for senate confirmation, a copy of a senate
25 questionnaire as approved by the rules and

26 administration committee;
27 b. receive completed questionnaires from
28 appointees and forward copies of the completed
29 questionnaires to appropriate committee members;
30 c. maintain "Confirmation Calendar" categories on

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1 the senate calendar as directed under this rule,
2 senate rule 6, and by the committee on rules and
3 administration. No appointee shall be listed as
4 eligible on the confirmation calendar until the
5 secretary has received the appointee's completed
6 senate questionnaire.
7 The secretary of the senate shall maintain a file
8 of all appointments received from the governor for
9 confirmation. The file shall contain a description of
10 the duties and the compensation for each nominee. The
11 file shall show the date an appointment was received
12 from the governor, whether the appointment letter was
13 read to the senate, whether the nominee has been
14 introduced, whether a committee report has been filed,
15 when the senate questionnaire was sent to the
16 appointee, and shall include a copy of the appointee's
17 completed senate questionnaire, upon receipt.
18 INVESTIGATING COMMITTEES. All appointments
19 received from the governor shall be referred to the
20 rules and administration committee by the secretary of
21 the senate on the same day they are read to the
22 senate. The rules and administration committee shall
23 establish an en bloc confirmation calendar which must
24 be filed with the secretary of the senate. Within
25 three (3) legislative days after receiving an
26 appointment, the committee shall either place a
27 nominee on the en bloc confirmation calendar or assign
28 the nominee to an appropriate standing committee for
29 further investigation, publishing notice of such
30 assignment in the senate journal for the next

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1 legislative day. If the rules and administration
2 committee fails to take action on a nominee within the
3 three days, the nominee shall automatically be placed
4 on the en bloc confirmation calendar.
5 Within the three (3) legislative days after an
6 appointment has been referred to the rules and
7 administration committee, any ten senators may require
8 that the nominee be assigned to an appropriate
9 standing committee by filing a written, signed request

10 therefor with the chairperson of the rules and
 11 administration committee. The committee chair shall
 12 refer the appointment to a subcommittee within one (1)
 13 legislative day after a standing committee receives an
 14 appointment for further investigation, publishing
 15 notice of such assignment in the senate journal for
 16 the next legislative day. Within ten (10) legislative
 17 days after a standing committee receives an
 18 appointment for further investigation the subcommittee
 19 shall file its report with the standing committee.
 20 Within fourteen (14) legislative days after a
 21 standing committee receives an appointment for further
 22 investigation, the committee shall conduct an
 23 investigation of the nominee and file its report
 24 thereon with the secretary of the senate, who shall
 25 then place the nominee on the en bloc calendar or
 26 individual confirmation calendar as directed by the
 27 committee. The failure of a committee to file its
 28 report within the prescribed time means that the
 29 nominee is to be automatically placed, without
 30 recommendation, upon the individual confirmation

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1 calendar.
 2 Any senator within five (5) legislative days
 3 following a nominee's name being published in the
 4 journal may request that said nominee be introduced to
 5 the full senate by ~~submitting~~ filing a written request
 6 with the secretary of the senate. In any event, all
 7 nominees who are referred by the rules and
 8 administration committee to a standing committee shall
 9 be introduced to the full senate prior to a vote on
 10 confirmation of the nominee.
 11 HEARINGS. Any member of a committee investigating
 12 an appointment may, within five (5) legislative days
 13 after the committee receives the appointment, obtain
 14 a hearing with the nominee by filing a written request
 15 with the ~~chair of the investigating committee~~
 16 secretary of the senate who shall forward it to the
 17 chair of the standing committee and the chair of the
 18 subcommittee within five (5) legislative days after
 19 the committee receives the appointment. Notice of the
 20 hearing shall be published in the journal at least two
 21 (2) legislative days prior to the hearing. At the
 22 hearing, which shall be before the ~~investigating~~
 23 ~~committee subcommittee~~, the nominee may be questioned
 24 as to his or her qualifications to fulfill the office
 25 to which nominated and further questioned as to his or
 26 her viewpoints on issues facing the office to which

27 nominated. ~~Notice of the hearing shall be published~~
 28 ~~in the journal at least three (3) days prior to the~~
 29 ~~hearing.~~ Any senator may at the discretion of the
 30 chair of the ~~investigating committee subcommittee~~ be

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1 permitted to submit oral questions. The public may, at
 2 the discretion of the investigating committee, be
 3 permitted to submit oral or written statements as to
 4 the qualifications of the nominee.

5 Also, within five (5) legislative days after the
 6 ~~investigating committee subcommittee~~ receives an
 7 appointment for investigation, any senator may submit
 8 written questions to be answered by the nominee prior
 9 to consideration of the nominee's confirmation by the
 10 senate.

11 INFORMATIONAL MEETINGS. After a nominee has been
 12 placed on the calendar and prior to the vote on
 13 confirmation, any senator may request an informational
 14 meeting on the nomination which shall be held before
 15 the subcommittee.

16 VOTING ON CONFIRMATIONS. Upon the motion of the
 17 majority leader or his or her designee, the nominees
 18 on the en bloc confirmation calendar shall be
 19 confirmed en bloc by the affirmative vote of two-
 20 thirds of the members elected to the senate. The
 21 journal shall reflect a single roll call accompanied
 22 by a statement of the names of those individuals
 23 subject to the en bloc confirmation vote.

24 Prior to an en bloc vote, any senator may request
 25 an individual vote on any nominee on the en bloc
 26 confirmation calendar. The senate shall vote
 27 separately on the nominee.

28 Nominees on the individual confirmation calendar
 29 shall be confirmed by a two-thirds vote; however, the
 30 senate shall take a separate roll call on each

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1 nominee, unless by unanimous consent, it determines to
 2 take one vote on all nominees under consideration. In
 3 any case, the journal shall reflect a single roll call
 4 vote for each nominee.

1 **SENATE RESOLUTION 3**

2 **By: Committee on Ethics**

3 **A Resolution to amend the Senate Code of Ethics.**

4 **BE IT RESOLVED BY THE SENATE, That the Senate Code**
 5 **of Ethics be amended to read as follows:**

6 SENATE CODE OF ETHICS

7 PREAMBLE. Every legislator owes a duty to uphold
8 the integrity and honor of the general assembly, to
9 encourage respect for the law and for the general
10 assembly and the members thereof, and to observe the
11 legislative code of ethics.

12 In doing so, each member of the senate has a duty
13 to conduct oneself so as to reflect credit on the
14 general assembly, and to inspire the confidence,
15 respect, and trust of the public, and to strive to
16 avoid both unethical and illegal conduct and the
17 appearance of unethical and illegal conduct.

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. ECONOMIC INTEREST OF SENATOR. Taking into
28 account that legislative service is part-time, a
29 senator shall not accept economic or investment
30 opportunity, under circumstances where the senator

Page 2

1 knows, or should know, that there is a reasonable
2 possibility that the opportunity is being afforded the
3 senator with intent to influence the senator's conduct
4 in the performance of official duties.

5 a. Divestiture. Where a senator learns that an
6 economic or investment opportunity previously accepted
7 was offered with the intent of influencing the
8 senator's conduct in the performance of official
9 duties, the senator shall take steps to divest that
10 senator of that investment or economic opportunity,
11 and shall report the facts of the situation to the
12 senate ethics committee.

13 b. Charges for Services. A senator shall not
14 charge to or accept from a person, corporation,
15 partnership or association known to have a legislative
16 interest a price, fee, compensation or other
17 consideration for the sale or lease of any property or
18 the furnishing of services which is in excess of that
19 which the senator would charge another.

20 c. Use of Confidential Information. A senator in
21 order to further the senator's own economic interests,
22 or those of any other person, shall not disclose or

23 use confidential information acquired in the course of
24 official duties.

25 d. Honoraria. A senator shall not accept an
26 honorarium from any person for a speech, writing for
27 publication, or other similar activity, that is in
28 excess of the usual and customary value for those
29 services.

30 e. Employment. A senator shall not accept

Page 3

1 employment, either directly or indirectly, from a
2 political action committee. A senator may accept
3 employment from a political party, but shall disclose
4 the employment relationship in writing to the
5 secretary of the senate within ten days after the
6 beginning of each legislative session. If a senator
7 accepts employment from a political party during a
8 legislative session, the senator shall disclose the
9 employment relationship within ten days after
10 acceptance of the employment.

11 For the purpose of this rule, a political action
12 committee means a committee, but not a candidate's
13 committee, which accepts contributions, makes
14 expenditures, or incurs indebtedness in the aggregate
15 of more than two hundred fifty dollars in any one
16 calendar year for the purpose of supporting or
17 opposing a candidate for public office or ballot issue
18 or influencing legislative action, or an association,
19 lodge, society, cooperative, union, fraternity,
20 sorority, educational institution, civic organization,
21 labor organization, religious organization, or
22 professional organization which makes contributions in
23 the aggregate of more than two hundred fifty dollars
24 in any one calendar year for the purpose of supporting
25 or opposing a candidate for public office or ballot
26 issue or influencing legislative action.

27 2. ECONOMIC INTERESTS OF LOBBYIST. With the
28 exception of exercising unfettered discretion in
29 supporting or refusing to support proposed
30 legislation, a senator shall not take action intended

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1 to affect the economic interests of a lobbyist or
2 citizen supporting or opposing proposed legislation.

3 3. APPEARANCE BEFORE GOVERNMENTAL AGENCY. A
4 senator may appear before a governmental agency or
5 board in any representation case, except that the
6 senator shall not appear before a governmental agency

7 or board for compensation if the matter is subject to
8 legislative review. Whenever a senator appears before
9 a governmental agency or board, the senator shall
10 carefully avoid all conduct which might in any way
11 lead members of the general public to conclude that
12 the senator is using the senator's official position
13 to further the senator's professional success or
14 personal financial interest.

15 4. CONFLICTS OF INTERESTS. In order to permit the
16 general assembly to function effectively, a senator
17 will sometimes be required to vote on bills and
18 participate in committee work which will affect the
19 senator's employment and other monetary interests. In
20 making a decision relative to the senator's activity
21 on given bills or committee work which are subject to
22 the code, the following factors shall be considered:

23 a. Whether a substantial threat to the senator's
24 independence of judgment has been created by the
25 conflict situation.

26 b. The effect of the senator's participation on
27 public confidence in the integrity of the legislature.

28 c. Whether the senator's participation is likely
29 to have any significant effect on the disposition of
30 the matter.

Page 5

1 d. The need for the senator's particular
2 contribution, such as special knowledge of the subject
3 matter, to the effective functioning of the
4 legislature.

5 A senator with a conflict of interest may
6 participate in floor debate if prior to debate the
7 senator indicates the conflict of interest.

8 5. DISCLOSURE REQUIRED. Each senator shall file
9 with the secretary of the senate within ten days after
10 the adoption of the code of ethics by the senate, and
11 within ten days after the convening of the second
12 session of the general assembly, a statement on forms
13 provided by the secretary of the senate setting forth
14 the following information:

15 a. The nature of each business in which the
16 senator is engaged and the nature of the business of
17 each company in which the senator or the senator's
18 spouse has a financial interest. A senator shall not
19 be required to file a report or be assumed to have a
20 financial interest if an investment in stocks, bonds,
21 bills, notes, mortgages or other securities offered
22 for sale through recognized financial brokers is less
23 than five percent of the total outstanding issue of

24 any such stock, bonds, bills, notes, mortgages or
25 other securities of the offering entity.
26 b. The name of any state or national business,
27 trade, labor, farm, professional, religious,
28 educational or charitable association, foundation or
29 organization which is involved in supporting or
30 opposing legislation brought before the general

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1 assembly and by which the senator, the senator's
2 partner or business associate is employed or retained
3 or has rendered services for compensation within the
4 last twelve months.
5 c. Every office or directorship held by the
6 senator in any corporation, firm, enterprise, labor
7 union, farm organization, cooperative, religious,
8 educational or charitable association or organization,
9 or trade or professional association held during the
10 last twelve months and every membership in such an
11 organization which is engaged in actively supporting
12 or opposing legislation in the general assembly. The
13 name of the entity shall be set out.
14 Disclosures required under this rule shall be as of
15 the date filed unless provided to the contrary, and
16 shall be amended to include interests and changes
17 encompassed by this rule that occur while the general
18 assembly is in session. All filings under this rule
19 shall be open to public inspection in the office of
20 the secretary of the senate at all reasonable times.
21 The secretary of the senate shall inform the ethics
22 committee of the statements which are filed and shall
23 report to the ethics committee the names of any
24 senators who appear not to have filed complete
25 statements. The chairperson of the ethics committee
26 shall request in writing that a senator who has failed
27 to complete the report or appears to have filed an
28 incomplete report do so within five days, and, upon
29 the failure of the senator to comply, the ethics
30 committee shall require the senator to appear before

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1 the committee.
2 d. Senators and employees of the senate shall file
3 a report with the secretary of the senate, of a gift,
4 which does not include food or drink provided for
5 immediate consumption, or series of gifts made to them
6 or each family member from any one donor which exceed
7 fifteen dollars in cumulative value in any one

8 calendar day. The report shall list the nature, date,
9 and donor of the gift and shall be filed by the
10 fifteenth of the month covering the preceding month.
11 e. A senator who receives an honorarium in excess
12 of fifteen dollars for a speech, writing for
13 publication, or other similar activity, relating to
14 the senator's duties in the general assembly, shall
15 report the honorarium to the secretary of the senate.
16 The report shall include the nature and amount of the
17 honorarium, the date it was provided, from whom it was
18 received, and the nature and amount of reimbursement
19 for or payment of any actual expenses. The report
20 shall be filed by the senator on the fifteenth of the
21 month following the month in which the honorarium was
22 paid.
23 f. A senator, in whose name an honorarium in
24 excess of fifteen dollars in value is given to a
25 person or organization for a speech, writing for a
26 publication, or other similar activity, and who has
27 knowledge of such honorarium, shall report the
28 honorarium to the secretary of the senate. The report
29 shall include the nature and amount of the honorarium,
30 the date it was given, by whom it was given, and to

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1 whom it was given. The report shall be filed by the
2 senator on the fifteenth of the month following the
3 month in which the honorarium was given.
4 6. STATUTORY VIOLATIONS. Members of the general
5 assembly are urged to familiarize themselves with
6 chapter 68B and chapter 722.
7 7. CHARGE ACCOUNTS. Senators shall not charge any
8 amount or item to any charge account to be paid for by
9 any lobbyist or any organization he or she represents.
10 8. TRAVEL EXPENSES. A senator shall not charge to
11 the state of Iowa amounts for travel and expenses
12 unless the senator actually has incurred those mileage
13 and expense costs. Senators shall not file the
14 vouchers for weekly mileage reimbursement required by
15 section 2.10, subsection 1, unless the travel was
16 actually incurred at commensurate expense to the
17 senator.
18 9. COMPLAINTS. Complaints or charges against any
19 senator or any lobbyist shall be in writing, made
20 under oath, and filed with the secretary of the senate
21 or the chairperson of the ethics committee. If filed
22 with the secretary of the senate, the secretary shall
23 immediately advise the chairperson of the ethics

24 committee of the receipt of the complaint.
25 Complaint forms shall be available from the
26 secretary of the senate, or the chairperson of the
27 ethics committee, but a complaint shall not be
28 rejected for failure to use an approved form if the
29 complaint substantially complies with senate
30 requirements.

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1 A complainant may submit exhibits and affidavits
2 attached to the complaint.
3 10. FILING OF COMPLAINTS.
4 a. Persons entitled. Complaints may be filed by
5 any person believing that a senator or lobbyist has
6 violated the senate ethics code, the senate rules
7 governing lobbyists, or chapter 68B of the Iowa Code.
8 A violation of the criminal law may be considered to
9 be a violation of this code of ethics if the violation
10 constitutes a serious misdemeanor or greater, or a
11 repetitive and flagrant violation of the law.
12 b. Committee complaint. The ethics committee may,
13 upon its own motion, initiate a complaint,
14 investigation or disciplinary action.
15 c. Timeliness of filing. A complaint will be
16 considered to be timely filed if it is filed during
17 the legislative session when an alleged violation of
18 the ethics code occurs. If the alleged unethical
19 conduct occurs after adjournment, the complaint may be
20 filed at any time up to and including the first
21 fifteen days of the following legislative session.
22 If the complaint alleges a violation of Iowa's
23 criminal law, it is timely if filed during the
24 legislative session when the alleged violation
25 occurred, or during the session when the criminal
26 charges are disposed of.
27 11. PERMANENT RECORD. The secretary of the senate
28 shall maintain a permanent record of all complaints
29 filed, including a separate card file containing the
30 date filed, name and address of the complainant, name

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1 and address of the respondent, a brief statement of
2 the charges made, and ultimate disposition of the
3 complaint. The secretary shall keep each such
4 complaint confidential until public disclosure is made
5 by the ethics committee.
6 12. PRE-HEARING PROCEDURE.

- 7 a. Defective complaint. Upon receipt of a
8 complaint, the chairperson and ranking member of the
9 ethics committee shall determine whether the complaint
10 substantially complies with the code of ethics. If
11 the complaint does not substantially comply with the
12 code of ethics, the complaint may be returned to the
13 complainant with a statement that the complaint is not
14 in compliance with the code and a copy of the code.
15 If the complainant fails to amend the complaint to
16 comply with the code within a reasonable time, the
17 chair and ranking member may dismiss the complaint
18 with prejudice for failure to prosecute.
- 19 b. Service of complaint on respondent. Upon
20 receipt of any complaint substantially complying with
21 the requirements of this code of ethics, the
22 chairperson of the ethics committee shall cause a copy
23 of the complaint and any supporting information to be
24 delivered promptly to the respondent, requesting a
25 written response to be filed within ten days. The
26 response may:
- 27 (1) Admit or deny the allegation or allegations,
28 or
29 (2) Object that the allegation fails to allege a
30 violation of the code of ethics, or

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- 1 (3) Object to the jurisdiction of the committee,
2 or
3 (4) Request a more specific statement of the
4 allegation or allegations, or
5 (5) Object to the participation of any member of
6 the committee in the consideration of the allegation
7 or allegations on the grounds that the member cannot
8 render an impartial and unbiased decision.
- 9 c. Extension of time. At the request of the
10 respondent and upon a showing of good cause, the
11 committee, or the chairperson and ranking member, may
12 extend the time for response, not to exceed ten
13 additional days.
- 14 d. Scheduling hearing. Upon receipt of the
15 response, the committee shall schedule a public
16 meeting to review the complaint and available
17 information, and shall:
- 18 (1) Notify the complainant that no further action
19 will be taken, unless further substantiating
20 information is produced, or
21 (2) Conduct its own investigation or, upon
22 approval of the senate or the senate rules and
23 administration committee when the senate is not in

24 session, arrange for an investigation of the complaint
25 by independent counsel, to be received within a
26 reasonable time, or
27 (3) Cause the complaint to be scheduled for a
28 public hearing before the committee, or
29 (4) Cause the complaint to be scheduled for a
30 public hearing upon receipt of the report of the

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1 independent counsel.
2 13. HEARING PROCEDURE.
3 a. Notice of hearing. If the committee causes a
4 complaint to be scheduled for a public hearing, notice
5 of the hearing date and time shall be given to the
6 complainant and respondent in writing, and of the
7 respondent's right to appear in person, be represented
8 by legal counsel, present statements and evidence, and
9 examine and cross-examine witnesses. The committee
10 shall not be bound by formal rules of evidence, but
11 shall receive relevant evidence, subject to
12 limitations on repetitiveness. Any evidence taken
13 shall be under oath.
14 b. Subpoena power. The committee may require, by
15 subpoena or otherwise, the attendance and testimony of
16 witnesses and the production of such books, records,
17 correspondence, memoranda, papers, documents, and any
18 other things it deems necessary to the conduct of the
19 inquiry.
20 c. Ex post facto. An investigation shall not be
21 undertaken by the committee of a violation of a law,
22 rule, or standard of conduct that is not in effect at
23 the time of violation.
24 d. Disqualification of member. Members of the
25 committee may disqualify themselves from participating
26 in any investigation of the conduct of another person
27 upon submission of a written statement that the member
28 cannot render an impartial and unbiased decision in a
29 case. A member may also be disqualified by a vote of
30 four-fifths of the legislative members of the

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1 committee.
2 A member of the committee is ineligible to
3 participate in committee meetings, as a member of the
4 committee, in any proceeding relating to the member's
5 own official conduct.
6 If a member of the committee is disqualified to
7 act, the majority leader, after consultation with the

8 minority leader, shall appoint a senator of the same
9 political party as the disqualified committee member
10 to serve as a member of the committee during the
11 period of disqualification.

12 e. Hearing. At the hearing, the chairperson shall
13 open the hearing by stating the charges, the purpose
14 of the hearing, and its scope. The burden of proof
15 rests upon the complainant to establish the facts as
16 alleged, by clear and convincing evidence. However,
17 questioning of witnesses shall be conducted by the
18 members of the committee, by legal counsel appointed
19 by the committee, or by a senator, the senate legal
20 counsel, or legal counsel from the legislative service
21 bureau, if designated by the chairperson and ranking
22 member of the committee. The chairperson shall also
23 permit questioning by legal counsel representing the
24 complainant or respondent.

25 The chairperson or other member of the committee
26 presiding at a hearing shall rule upon procedural
27 questions or any question of admissibility of evidence
28 presented to the committee. Rulings may be reversed
29 by a majority vote of the committee members present.

30 The committee may continue the hearing to a future

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1 date if necessary for appropriate reasons or purposes.

2 f. Committee action. Upon receipt of all relevant
3 evidence and arguments, the committee shall consider
4 the same and recommend to the senate:

5 (1) That the complaint be dismissed, or

6 (2) That the senator or lobbyist be censured or
7 reprimanded, and recommend the appropriate form of
8 censure or reprimand, or

9 (3) Any other appropriate sanction, including
10 suspension or expulsion from membership in the senate,
11 or suspension of lobbying privileges.

12 g. Disposition resolution. By appropriate
13 resolution, the senate may amend, adopt, or reject the
14 report of the ethics committee, including the
15 committee's recommendations regarding disciplinary
16 action.

17 14. COMMITTEE AUTHORIZED TO MEET. The senate
18 ethics committee is authorized to meet during the time
19 the general assembly is not in session to conduct
20 hearings and other business that properly may come
21 before it. If the committee submits a report seeking
22 senate action against a senator or lobbyist after the
23 second regular session of a general assembly has
24 adjourned sine die, the report shall be submitted to

25 and considered by the subsequent general assembly.
26 15. COMPLAINT FILING FORM. The following form
27 shall be used to file a complaint under these rules:

28 THE SENATE
29 Ethics Complaint Form

30 Re: _____ (Senator/Lobbyist),

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1 of _____, Iowa.
2 I, _____, (Complainant), residing
3 at _____, in the City of _____,
4 State of _____, hereby complain that
5 _____ (Senator/Lobbyist), whose
6 address is _____,
7 has violated the Senate Rule of Ethics or Senate Rules
8 Governing Lobbyists in that:

9 (Explain the basis for the complaint here. Use addi-
10 tional pages, if necessary).

11 Under penalty of perjury, I certify that the above
12 complaint is true and correct as I verily believe.

13 _____
14 Signature of Complainant

15 SUBSCRIBED AND AFFIRMED to before me this _____
16 day of _____, 19____.

17 _____
18 Notary Public in and for the
19 State of _____

20 16. COMPLAINT NOTICE FORM. The following form
21 shall be used for notice of a complaint 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 COMPLAINT
29)
30 _____)

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1)
2 And Involving)
3)
4 _____)
5)
6 TO _____,

7
 8 Senator or Lobbyist named above:
 9 You are hereby notified that there is now on file
 10 with the Secretary of the Senate, State Capitol, Des
 11 Moines, Iowa, a complaint which alleges that you have
 12 committed a violation of the Senate's Ethics Code or
 13 Senate Rules Governing Lobbyists.
 14 A copy of said complaint and the Senate rules for
 15 processing the same are attached hereto and made a
 16 part of this notice.
 17 You are further notified and requested to file your
 18 written answer to said complaint within ten days of the
 19 date upon which the notice was caused to be delivered
 20 to you, _____, 19____. Your answer is
 21 to be filed with the Secretary of the Senate, State
 22 Capitol, Des Moines, Iowa.
 23 Dated this _____ day of _____, 19____.

24 _____
 25 Chair, Senate Ethics Committee,
 26 or, Secretary of the Senate

27 17. HEARING NOTICE FORM. The following form
 28 shall be used for notice of a hearing under these
 29 rules:
 30 STATE OF IOWA

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1 THE SENATE
 2 COMMITTEE ON ETHICS)
 3 IOWA STATE SENATE)
 4)
 5 On The Complaint Of) NOTICE OF HEARING
 6)
 7 _____)
 8)
 9 And Involving)
 10)
 11 _____)
 12)
 13 TO _____,

14 Senator or Lobbyist named above:
 15 You are hereby notified that there is now on file
 16 with the Secretary of the Senate, State Capitol, Des
 17 Moines, Iowa, a complaint which alleges that you have
 18 committed a violation of the Senate's Ethics Code or
 19 Senate Rules Governing Lobbyists.
 20 A copy of said complaint and the Senate rules for
 21 processing the same are attached hereto and made a
 22 part of this notice.

23 You are further notified that, after preliminary
 24 review, the committee has caused a public hearing to
 25 be scheduled on
 26 (date) _____, 19____, (hour) _____
 27 (a.m.) (p.m.), in Room _____, State Capitol, Des Moines,
 28 Iowa.
 29 At said hearing, you will have the right to appear
 30 in person, be represented by legal counsel at your own

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1 expense, present statements and evidence, examine and
 2 cross-examine witnesses. The committee shall not be
 3 bound by formal rules of evidence, but shall receive
 4 relevant evidence, subject to limitations on
 5 repetitiveness. Any evidence taken shall be under
 6 oath.
 7 The committee may continue the hearing to a future
 8 date if necessary for appropriate reasons or purposes.
 9 You are further notified that the committee will
 10 receive such evidence and take such action as
 11 warranted by the evidence.
 12 Dated this _____ day of _____, 19____.
 13 _____
 14 Chair, Senate Ethics Committee,
 15 or, Secretary of the Senate

1 SENATE RESOLUTION 4
 2 By: Committee on Ethics
 3 A Resolution to amend the senate rules governing lobbyists.
 4 BE IT RESOLVED BY THE SENATE, That the senate rules
 5 governing lobbyists be amended to read as follows:
 6 SENATE RULES GOVERNING LOBBYISTS
 7 1. DEFINITIONS. For the purposes of these rules
 8 "lobbyist" is defined as a person who:
 9 a. Is paid compensation or expends money for
 10 encouraging the passage, defeat, or modification of
 11 legislation, or influencing the decision of the
 12 members of a legislative committee or a subcommittee;
 13 or
 14 b. Represents on a regular basis an organization
 15 which has as one of its purposes the encouragement of
 16 the passage, defeat, or modification of legislation,
 17 or influencing the decision of the members of a
 18 legislative committee or a subcommittee; or
 19 c. Is a federal, state, or local government
 20 official or employee representing the official
 21 position of the official or employee's department,
 22 commission, board, or agency and who attempts to

23 encourage the passage, defeat, or modification of
24 legislation, or influencing the decision of the
25 members of a legislative committee or a subcommittee
26 while the senator is at the state capitol for a
27 legislative session or for official legislative
28 business.
29 As used in these rules the word "gift" and the
30 phrases "immediate family member" and "public

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1 disclosure" have the meaning provided in chapter 68B.
2 As used in these rules the term "political action
3 committee" means a committee, but not a candidate's
4 committee, which accepts contributions, makes expendi-
5 tures, or incurs indebtedness in the aggregate of more
6 than two hundred fifty dollars in any one calendar
7 year for the purpose of supporting or opposing a
8 candidate for public office or ballot issue or
9 influencing legislative action, or an association,
10 lodge, society, cooperative, union, fraternity,
11 sorority, educational institution, civic organization,
12 labor organization, religious organization, or
13 professional or other organization which makes
14 contributions in the aggregate of more than two
15 hundred fifty dollars in any one calendar year for the
16 purpose of supporting or opposing a candidate for
17 public office or ballot issue or influencing
18 legislative action.
19 2. EXCEPTIONS. The term "lobbyist" shall not
20 include within its definition:
21 a. Officials and employees of a political party
22 organized in the state of Iowa representing more than
23 two percent of the total votes cast for governor in
24 the last preceding general election, but only when
25 representing the political party in an official
26 capacity.
27 b. Representatives of the news media engaged only
28 in the reporting and dissemination of news and
29 editorials.
30 c. Federal, state, or local government officials

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1 and employees who in the course of their official
2 duties submit proposed legislation or amendments to a
3 senator or senate committee or who provide information
4 or are requested or required to provide information to
5 a senator or to appear before a senate committee and
6 who do not actively encourage the passage, defeat, or

7 modification of legislation.

8 d. The governor and lieutenant governor of the
9 state of Iowa, and all other elected state officials.

10 e. Persons who exclusively represent their own
11 interests (as distinguished from the interests of a
12 group, employer, or organization), provided they are
13 not compensated by anyone for lobbying.

14 3. APPLICABILITY. These rules are only applicable
15 to lobbying activities involving the Iowa general
16 assembly.

17 4. REGISTRATION REQUIRED. All lobbyists shall, on
18 or before the day their lobbying activity begins,
19 register with the secretary of the senate by filing a
20 lobbyist's registration statement listing:

21 a. Name, permanent business address, temporary
22 residential and business address in Polk county during
23 the legislative session, and telephone numbers. If
24 two or more lobbyists are associated together or
25 consistently work together in all their lobbying, then
26 they may file a joint registration. The name,
27 permanent business address, temporary residential and
28 business address in Polk county during the legislative
29 session, and telephone numbers of all persons included
30 in the joint registration shall be listed.

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1 b. The name and address of all individuals,
2 companies, firms, corporations, unions, associations
3 or causes for which the individual lobbies.

4 c. The general subjects of legislation in which
5 the lobbyist is or may be interested, the numbers of
6 the bills and resolutions (if known) which will be
7 lobbied, and whether the lobbyist intends to lobby for
8 or against each bill (if known).

9 d. A detailed description of any agreement,
10 arrangement, or understanding concerning contingent
11 fees.

12 Any change in or addition to the foregoing
13 information shall be registered with the secretary of
14 the senate within ten days after the change or
15 addition is known to the lobbyist.

16 5. CANCELLATION OF REGISTRATION. If a lobbyist's
17 service on behalf of a particular employer, client, or
18 cause is concluded prior to the end of the calendar
19 year, the lobbyist may cancel the registration on
20 appropriate forms supplied by the secretary of the
21 senate. Upon cancellation of registration, a lobbyist
22 is prohibited from engaging in any lobbying activity
23 on behalf of that particular employer, client, or

24 cause until re-registering and complying with these
 25 rules. A lobbyist's registration is valid for only
 26 one session of a general assembly.
 27 6. GOVERNMENT OFFICIALS. All federal, state, and
 28 local officials or employees representing the official
 29 positions of their departments, commissions, boards or
 30 agencies shall present to the secretary of the senate

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1 a letter of authorization from their department or
 2 agency heads prior to the commencement of their
 3 lobbying. The lobbyist registration statement of
 4 these officials and employees shall not be deemed
 5 complete until the letter of authorization is
 6 attached. Federal, state, and local officials who
 7 wish to lobby in opposition to the official position
 8 of their departments, commissions, boards or agencies
 9 must indicate such on their lobbyist registration
 10 statements.

11 7. CHARGE ACCOUNTS. Lobbyists and the
 12 organizations they represent shall not allow any
 13 senators to charge any amounts or items to any charge
 14 account to be paid for by those lobbyists or by the
 15 organizations they represent.

16 8. OFFERS OF ECONOMIC OPPORTUNITY. A lobbyist, an
 17 employer of a lobbyist, or a political action
 18 committee shall not offer economic or investment
 19 opportunity or promise of employment to any senator
 20 with intent to influence the senator's conduct in the
 21 performance of official duties.

22 A lobbyist shall not take action intended to
 23 negatively affect the economic interests of a senator.

24 For purposes of this rule, supporting or opposing a
 25 candidate for office or supporting or opposing a bill,
 26 amendment, or resolution shall not be considered to be
 27 action intended to negatively affect the economic
 28 interests of a senator.

29 9. MEMBERSHIP CONTRIBUTIONS. A lobbyist, or
 30 employer of a lobbyist, shall not pay for membership

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1 in or contributions to clubs or organizations on
 2 behalf of a senator.

3 10. ACCESS TO SENATE FLOOR. Lobbyists shall not
 4 be permitted on the floor of the senate while the
 5 senate is in session. Elected state officials, except
 6 the governor, lieutenant governor, and the members of
 7 the house of representatives, shall not be permitted

8 on the floor of the senate while the senate is in
9 session to encourage the passage, defeat, or
10 modification of legislation.

11 11. EFFECTIVE PERIOD. These rules governing
12 lobbyists shall be in effect throughout the calendar
13 year, whether or not the general assembly is in
14 session.

15 12. REPORTING OF GIFTS. Persons who have made
16 gifts to any senator, senate employee, or any
17 immediate family member of a senator or senate
18 employee which has a value in excess of fifteen
19 dollars on any one calendar day shall file a report
20 with the secretary of the senate which includes:

21 a. A list of senators, senate employees, or their
22 immediate family members each to whom a gift was made,
23 the date of the occurrence, and the nature and amount
24 of the gift.

25 b. A monthly total of all gifts made by persons
26 and their employer or employers regardless of the
27 dollar value to senators, senate employees, and their
28 immediate family members, including the following:

- 29 (1) Food and refreshment.
30 (2) Entertainment, including the cost of a hospitality room.

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1 (3) Travel.

2 (4) Recreation expense.

3 (5) Lodging expense.

4 (6) Other (including the nature of the gift).

5 c. The amount of an honorarium for speaking in
6 excess of fifteen dollars paid to a senator, senate
7 employee, or immediate family member of a senator or
8 senate employee. The amount listed shall include
9 reimbursement for or payment of actual expenses
10 incurred for public speaking engagements or other
11 formal public appearances.

12 d. c. If a gift is made to two or more members of
13 the general assembly, employees of the general
14 assembly, or their immediate families which cannot be
15 precisely attributed to each recipient, the value of
16 the gift shall be divided by the number of individuals
17 receiving the gift.

18 e. d. The reports required to be filed under this
19 rule shall be filed not later than the fifteenth day
20 of a month for gifts made or received during the
21 preceding month.

22 ~~12A~~ 13. REPORTING GROUP EVENTS. Persons who host
23 a group event to which all members of the senate, or
24 all members of both houses, have been invited shall

25 file a report with the secretary of the senate,
 26 separately for each event, listing the date, location,
 27 and total expense incurred by the donor or donors for
 28 food, beverages, registration, and scheduled
 29 entertainment. The reporting requirements of Rule 12
 30 apply.

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1 14. REPORTING OF HONORARIA. Persons who have
 2 provided honorarium in excess of fifteen dollars on
 3 any one calendar day to any senator, senate employee,
 4 or any immediate family member of a senator or senate
 5 employee for a speech, writing for publication, or
 6 other similar activity shall file a report with the
 7 secretary of the senate. The report shall include the
 8 identity of the person to whom the honorarium was
 9 provided, the date it was provided, the nature and
 10 amount of the honorarium, and the nature and amount of
 11 reimbursement for or payment of actual expenses
 12 incurred for public speaking engagements or other
 13 formal public appearances. The report shall be filed
 14 on the fifteenth of the month following the month in
 15 which the honorarium was paid.

16 15. REPORTING OF ATTRIBUTED HONORARIUM. Persons
 17 who have provided an honorarium for a speech, writing
 18 for publication, or other similar activity in excess
 19 of fifteen dollars in value on any one calendar day to
 20 any person or organization, in the name of a senator
 21 shall file a report with the secretary of the senate.
 22 The report shall include the identity of the senator
 23 on whose behalf the honorarium was given, the person
 24 or organization to whom the honorarium was given, the
 25 date it was given, and the nature and amount of the
 26 honorarium. The report shall be filed on the
 27 fifteenth of the month following the month in which
 28 the honorarium was given.

29 ~~16.~~ 16. COMPLAINTS. Rules 9 through 15 of the
 30 senate code of ethics apply to complaints and

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1 procedures regarding violations of these rules.

1 SENATE RESOLUTION 5
 2 By: Committee on Rules and Administration
 3 A 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 5-1-89 and ending 4-30-92
 22 Alcoholic Beverages Commission
 23 1 term commencing 5-1-89 and ending 4-30-94
 24 Architectural Examining Board
 25 2 terms commencing 5-1-89 and ending 4-30-92
 26 Banking, Superintendent of
 27 1 term commencing 5-1-89 and ending 4-30-93
 28 Barber Examiners, State Board of
 29 1 term commencing 5-1-89 and ending 4-30-92
 30 Blacks, Administrator of the Division on the Status of

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1 1 term served at the pleasure of the Governor
 2 Blacks, Commission on the Status of
 3 4 terms ending 4-30-90
 4 5 terms ending 4-30-92
 5 Blind, Commission for the
 6 1 term commencing 5-1-89 and ending 4-30-92
 7 Campaign Finance Disclosure Commission
 8 2 terms commencing 5-1-89 and ending 4-30-95
 9 Children, Youth and Families, Commission on
 10 1 term ending 6-30-92
 11 Chiropractic Examiners, State Board of
 12 1 term commencing 5-1-89 and ending 4-30-92
 13 Civil Rights Commission, Iowa State
 14 4 terms commencing 5-1-89 and ending 4-30-93
 15 Commerce, Director of the Department of
 16 1 term served at the pleasure of the Governor
 17 Corrections, Board of
 18 2 terms commencing 5-1-89 and ending 4-30-93
 19 Corrections, Director of the Department of
 20 1 term served at the pleasure of the Governor
 21 Cosmetology Examiners, State Board of
 22 1 term commencing 5-1-89 and ending 4-30-92

- 23 County Finance Committee
- 24 2 terms commencing 5-1-89 and ending 4-30-93
- 25 Credit Union Review Board
- 26 2 terms commencing 5-1-89 and ending 4-30-92
- 27 Credit Unions, Superintendent of
- 28 1 term
- 29 Criminal and Juvenile Justice Advisory Council,
- 30 Administrator of the Division of

Page 3

- 1 1 term served at the pleasure of the Governor
- 2 Deaf, Commission on the
- 3 1 term ending 4-30-89
- 4 2 terms commencing 5-1-89 and ending 4-30-92
- 5 Dental Examiners, State Board of
- 6 3 terms commencing 5-1-89 and ending 4-30-92
- 7 Dietetic Examiners, State Board of
- 8 1 term commencing 5-1-89 and ending 4-30-92
- 9 Economic Development Board, Iowa
- 10 1 term ending 4-30-90
- 11 1 term ending 4-30-91
- 12 1 term ending 4-30-92
- 13 4 terms commencing 5-1-89 and ending 4-30-93
- 14 Elder Affairs, Commission of
- 15 1 term ending 4-30-89
- 16 1 term ending 4-30-91
- 17 3 terms commencing 7-1-89 and ending 4-30-93
- 18 Engineering and Land Surveying Examining Board
- 19 1 term ending 4-30-91
- 20 2 terms commencing 5-1-89 and ending 4-30-92
- 21 Environmental Protection Commission
- 22 5 terms commencing 5-1-89 and ending 4-30-93
- 23 First in the Nation in Education Foundation Governing Board
- 24 1 term ending 4-30-93
- 25 2 terms commencing 5-1-89 and ending 4-30-95
- 26 Foster Care Review Board, State
- 27 1 term ending 4-30-90
- 28 2 terms commencing 5-1-89
- 29 Grain Indemnity Fund Board, Iowa
- 30 2 terms commencing 5-1-89 and ending 4-30-92

Page 4

- 1 Health Facilities Council
- 2 1 term ending 4-30-89
- 3 2 terms ending 4-30-93
- 4 2 terms commencing 5-1-89 and ending 4-30-95
- 5 Hearing Aid Dealers, Board of Examiners for the
- 6 2 terms commencing 5-1-89 and ending 4-30-92

- 7 High Technology Council, Iowa
- 8 6 terms commencing 5-1-89 and ending 4-30-93
- 9 Human Services, Council on
- 10 2 terms commencing 5-1-89 and ending 4-30-95
- 11 Human Services, Director of the Department of
- 12 1 term served at the pleasure of the Governor
- 13 Iowa Finance Authority
- 14 1 term ending 4-30-91
- 15 1 term ending 4-30-93
- 16 3 terms commencing 5-1-89 and ending 4-30-95
- 17 IPERS, Investment Board of the
- 18 2 terms commencing 5-1-89 and ending 4-30-95
- 19 Job Service Advisory Council
- 20 3 terms commencing 5-1-89 and ending 4-30-95
- 21 Judicial Nominating Commission, State
- 22 3 terms commencing 5-1-89 and ending 4-30-95
- 23 Judicial Qualifications, Commission on
- 24 1 term commencing 5-1-89 and ending 4-30-95
- 25 Landscape Architectural Examining Board
- 26 2 terms commencing 5-1-89 and ending 4-30-92
- 27 Law Enforcement Academy Council, Iowa
- 28 2 terms commencing 5-1-89 and ending 4-30-93
- 29 Library Commission, State
- 30 2 terms commencing 5-1-89 and ending 4-30-93

Page 5

- 1 Lottery Board
- 2 1 term served at the pleasure of the Governor
- 3 Medical Examiners, State Board of
- 4 1 term ending 4-30-90
- 5 3 terms commencing 5-1-89 and ending 4-30-92
- 6 Mental Health and Mental Retardation Commission
- 7 1 term ending 4-30-91
- 8 5 terms commencing 5-1-89 and ending 4-30-92
- 9 Mortuary Science Examiners, State Board of
- 10 1 term ending 4-30-91
- 11 1 term commencing 5-1-89 and ending 4-30-92
- 12 Natural Resource Commission
- 13 2 terms commencing 5-1-89 and ending 4-30-95
- 14 Nursing Examiners, State Board of
- 15 1 term ending 4-30-91
- 16 2 terms commencing 5-1-89 and ending 4-30-92
- 17 Nursing Home Administrators, State Board of Examiners for
- 18 2 terms commencing 5-1-89 and ending 4-30-92
- 19 Optometry Examiners, State Board of
- 20 2 terms commencing 5-1-89 and ending 4-30-92
- 21 Parole, Iowa Board of
- 22 2 terms commencing 5-1-89 and ending 4-30-93
- 23 (1 full-time and 1 part-time)

- 24 Personnel Commission
- 25 1 term commencing 5-1-89 and ending 4-30-95
- 26 Pharmacy Examiners, State Board of
- 27 2 terms commencing 5-1-89 and ending 4-30-92
- 28 Physical and Occupational Therapy Examiners, State
- 29 Board of
- 30 2 terms commencing 5-1-89 and ending 4-30-92

Page 6

- 1 Physician Assistant Examiners, State Board of
- 2 2 terms ending 4-30-89
- 3 2 terms ending 4-30-90
- 4 3 terms ending 4-30-91
- 5 2 terms commencing 5-1-89 and ending 4-30-92
- 6 Podiatry Examiners, State Board of
- 7 1 term commencing 5-1-89 and ending 4-30-92
- 8 Product Development Corporation, Iowa
- 9 3 terms commencing 5-1-89 and ending 4-30-93
- 10 Psychology Examiners, State Board of
- 11 2 terms commencing 5-1-89 and ending 4-30-92
- 12 Public Defender, State
- 13 1 term served at the pleasure of the Governor
- 14 Racing Commission, State
- 15 1 term ending 4-30-89
- 16 1 term commencing 5-1-89 and ending 4-30-92
- 17 Railway Finance Authority, Iowa
- 18 1 term commencing 5-1-89 and ending 4-30-95
- 19 Real Estate Commission
- 20 1 term commencing 5-1-89 and ending 4-30-92
- 21 Regents, State Board of
- 22 3 terms commencing 5-1-89 and ending 4-30-95
- 23 Respiratory Care Advisory Committee
- 24 1 term ending 4-30-91
- 25 1 term commencing 5-1-89 and ending 4-30-92
- 26 Social Work Examiners, State Board of
- 27 2 terms commencing 5-1-89 and ending 4-30-92
- 28 Soil Conservation Committee, State
- 29 2 terms commencing 5-1-89 and ending 4-30-95
- 30 Speech Pathology and Audiology Examiners, State Board of

Page 7

- 1 2 terms commencing 5-1-89 and ending 4-30-92
- 2 Tax Review, State Board of
- 3 1 term commencing 5-1-89 and ending 4-30-95
- 4 Title Guaranty Division Board
- 5 2 terms commencing 5-1-89 and ending 4-30-95
- 6 Transportation, Director of the Department of
- 7 1 term served at the pleasure of the Governor

- 8 Transportation Commission, State
- 9 2 terms commencing 5-1-89 and ending 4-30-93
- 10 Utilities Board, Chairperson
- 11 1 term commencing 5-1-89 and ending 4-30-91
- 12 Utilities Board
- 13 1 term commencing 5-1-89 and ending 4-30-95
- 14 Veterinary Medicine, Iowa Board of
- 15 1 term commencing 5-1-89 and ending 4-30-92
- 16 Women, Commission on the Status of
- 17 4 terms ending 4-30-90
- 18 5 terms ending 4-30-92

SENATE RESOLUTION 7

By: Committee on Rules and Administration

A Resolution honoring Alphonse J. "Babe" Bisignano and Babe's Restaurant.

WHEREAS, "Babe" Bisignano was born on March 14, 1913, in Des Moines, Iowa, and overcame a disadvantaged childhood; and

WHEREAS, "Babe" began work as a newspaper "hawker" in Des Moines, followed by work as a shoeshine boy and luggage "humper" for train passengers; and

WHEREAS, "Babe" had a great interest in boxing, was signed on his first professional fight card by P. L. "Pinkie" George for the Des Moines Coliseum, was given the ring name of "Baby Carna" as a takeoff on then Italian boxing champion Primo Carnera, and boxed three years winning eighty-seven professional bouts and becoming Iowa middleweight champion; and

WHEREAS, in 1939 at the age of twenty-six, "Babe" succeeded in obtaining a twenty-five hundred dollar loan and opened "Babe's Tavern" at the present location of Babe's Restaurant; and

WHEREAS, "Babe" is one of the state's longest tenured businesspersons and has been a great benefactor and contributor to countless charitable and public events throughout the state; and

WHEREAS, Babe's Restaurant is celebrating its fiftieth anniversary of operation; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, That the Senate pay tribute to Alphonse J. "Babe" Bisignano for his many accomplishments and successes, both personally and

Page 2

1 professionally, and for his many selfless acts for
 2 charitable interests and the public good, and wish him
 3 the very best in the years ahead; and

4 BE IT FURTHER RESOLVED, That an official copy of
 5 this resolution be prepared and presented to Alphonse
 6 J. "Babe" Bisignano.

1 SENATE RESOLUTION 8

2 By: Running

3 A Resolution requesting the governor to proclaim
 4 September 15, 1989, as Iowa POW/MIA Recognition
 5 Day.
 6 WHEREAS, there are over 2,300 United States
 7 servicepersons unaccounted for in Indochina, 39 of
 8 them being Iowans; and
 9 WHEREAS, over 8,000 United States servicepersons
 10 remain unaccounted for as a result of the Korean War;
 11 and
 12 WHEREAS, over 78,000 United States servicepersons
 13 remain unaccounted for from World War II; and
 14 WHEREAS, the third Friday in September has been
 15 proclaimed National POW/MIA Recognition Day; NOW
 16 THEREFORE,
 17 BE IT RESOLVED, That the senate requests that the
 18 governor proclaim September 15, 1989, and each
 19 September 15, thereafter, Iowa POW/MIA Recognition
 20 Day.

1 SENATE RESOLUTION 10

2 By: Lloyd-Jones

3 A Resolution honoring Dr. James Van Allen for being
 4 awarded the 1989 Crafoord Prize by the Royal Swedish
 5 Academy of Sciences.
 6 WHEREAS, Dr. James Van Allen is a world-renowned
 7 leader in the field of magnetospheric physics, his
 8 efforts having resulted in the discovery of the
 9 earth's radiation belts, which are named after him;
 10 and
 11 WHEREAS, Dr. James Van Allen received a bachelor's
 12 degree from Iowa Wesleyan College and advanced degrees
 13 from the University of Iowa, and now holds the title
 14 of Carver Professor Emeritus from the University of
 15 Iowa; and
 16 WHEREAS, Dr. James Van Allen was a member of the
 17 University of Iowa faculty and for a number of years
 18 chaired the Department of Physics and Astronomy until
 19 his retirement in 1985, serving as teacher and mentor
 20 for many of the leading researchers in space explora-
 21 tion in the world today; and
 22 WHEREAS, The Royal Swedish Academy of Sciences has
 23 selected Dr. James Van Allen as the only 1989

24 recipient of its highest honor for research in
 25 mathematics, the geosciences, the biosciences, or
 26 astronomy; and
 27 WHEREAS, the King of Sweden will present the award,
 28 consisting of a cash prize of 1.6 million Swedish
 29 crowns, a gold medal, and a diploma, on September 27,
 30 1989, in Stockholm, in a ceremony which will include a

Page 2

1 lecture to be delivered by Dr. James Van Allen; NOW
 2 THEREFORE,
 3 BE IT RESOLVED BY THE SENATE, That the Iowa Senate
 4 extend its sincere congratulations to Dr. James Van
 5 Allen for the distinction and honor that he has
 6 brought to the state of Iowa, and our best wishes for
 7 his continued success and enjoyment of his well-
 8 deserved recognition.

1 SENATE RESOLUTION 11

2 By: Committee on Rules and Administration
 3 A Senate Resolution deferring action on the
 4 confirmation of an appointment submitted by the
 5 Governor.

6 BE IT RESOLVED BY THE SENATE, That the Senate
 7 defers consideration of the following appointment
 8 submitted by the Governor under the provisions of
 9 section 2.32, subsection 3:

10 Psychology Examiners,
 11 State Board of Darlene Blake
 12 (Term beginning May 1, 1989 and ending April 30, 1992)

1 SENATE RESOLUTION 12

2 By: Committee on Rules and Administration
 3 A Senate Resolution deferring action on the
 4 confirmation of an appointment submitted by the
 5 Governor.

6 BE IT RESOLVED BY THE SENATE, That the Senate
 7 defers consideration of the following appointment
 8 submitted by the Governor under the provisions of
 9 section 2.32, subsection 3:

10 Economic Development
 11 Board, Iowa Robert A. Van Vooren
 12 (Term beginning May 1, 1989 and ending April 30, 1993)

1 SENATE RESOLUTION 19

2 By: Hannon, Gronstal, Lloyd-Jones, Mann, Murphy,

3 Riordan, Running, Sturgeon, and Szymoniak
4 A Resolution relating to the Exxon oil spill.
5 WHEREAS, Prince William Sound is one of America's
6 most scenic areas, providing a pristine habitat for a
7 variety of wildlife and a tourist attraction for all
8 Americans who enjoy scenic beauty and diverse
9 wildlife; and
10 WHEREAS, Prince William Sound is one of America's
11 most productive fishing areas providing livelihoods to
12 many local families and access to various food
13 resources to all Americans; and
14 WHEREAS, the Exxon Valdez was not prepared with
15 adequate equipment nor with adequate personnel to
16 respond to a disaster of the magnitude of the Prince
17 William Sound oil spill; and
18 WHEREAS, Exxon failed to quickly clean up the oil
19 spill and instead is relying upon the United States
20 Coast Guard and Army to remedy the situation at the
21 expense of all Americans in tax dollars and in
22 increased fuel prices; NOW THEREFORE,
23 BE IT RESOLVED BY THE SENATE, That the federal
24 government require all oil companies operating on
25 public land or on public waterways to do all of the
26 following:
27 1. Post a bond in an amount sufficient to provide
28 financial reimbursement for the cleanup of such oil
29 spills.
30 2. Prepare a written disaster response and cleanup

Page 2

1 plan.
2 3. Equip all tankers with redundant engineering,
3 double hulls, and bulkheads.
4 4. Provide that all tankers operating in harbor
5 areas have a pilot on board.
6 BE IT FURTHER RESOLVED, That in regard to Exxon and
7 the Prince William Sound oil spill, all of the
8 following requirements or prohibitions apply:
9 1. That Exxon be required to reimburse the federal
10 government for all costs associated with the cleanup.
11 2. That Exxon be required to compensate persons
12 who have lost their livelihoods due to the oil spill.
13 3. That the United States Department of Energy
14 shall investigate any violation of federal petroleum
15 pricing regulations resulting from the Exxon oil spill
16 and take the necessary actions to remedy any violation
17 found.

1 SENATE RESOLUTION 20

2 By: Committee on Rules and Administration

3 A Senate Resolution relating to daily operations of
4 the Senate.5 WHEREAS, the legislative authority of this state is
6 vested in the General Assembly consisting of the

7 Senate and the House of Representatives; and

8 WHEREAS, the Senate necessarily incurs substantial
9 expenses for its daily operations; and10 WHEREAS, the Senate is authorized to expend funds
11 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, 1989 and ending June 30, 1990, 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 \$2,026,200.

27 2. Interim expenses including members' and staff

28 compensation and other current expenses in an amount

29 not to exceed \$265,530.

30 3. Fixed expenses, including permanent employees'

Page 2

1 compensation and equipment in an amount not to exceed

2 \$1,135,000.

3 4. A special fund for renovation, restoration, and

4 equipment improvements in the Senate chamber and

5 adjacent areas to be used with the authorization of

6 the Committee on Rules and Administration, in an

7 amount not to exceed \$85,000.

8 Sec. 2. The Secretary of the Senate shall

9 immediately provide written notice to the majority and

10 minority leaders of the Senate and to the Chair and

11 Ranking Member of the Senate Appropriations Committee

12 if actual expenditures payable pursuant to Iowa Code

13 sections 2.10 through 2.14 inclusive exceed the

14 maximum amount allocated to any category of the budget

15 provided by section 1 of this resolution. The written

16 notice shall specify the amount of and reasons for any

17 excess expenditure.

18 Sec. 3. The expenditures referred to in section 2
 19 of this resolution shall consist only of those sums
 20 required for payment of the various expenses of the
 21 General Assembly including such items as legislative
 22 printing expenses, unpaid expenses incurred during the
 23 interim between sessions of the General Assembly,
 24 expenditures incurred pursuant to resolutions, and
 25 expenses for purchases of legislative equipment and
 26 supplies necessary to carry out the functions of the
 27 General Assembly. Joint expenditures or special
 28 expenditures approved by the Committee on Rules and
 29 Administration or the Legislative Council are not
 30 included in the budget set forth in this resolution.

Page 3

1 Sec. 4. If a special session of the General
 2 Assembly is held, the Committee on Rules and
 3 Administration shall provide for consideration of a
 4 budget for the special session.

1 SENATE RESOLUTION 21

2 By: Committee on Rules and Administration
 3 A Resolution honoring former Senator Edgar H. Holden
 4 for his years of legislative service.

5 WHEREAS, former Senator Edgar H. Holden completed
 6 his years of service to the state of Iowa as a member
 7 of the General Assembly in 1988, having served as a
 8 member of the House of Representatives from 1967
 9 through 1974, and as a member of the Senate from 1978
 10 through 1988; and

11 WHEREAS, Senator Holden's service as House majority
 12 floor leader, as Senate assistant majority and
 13 minority floor leader, and as chairperson and ranking
 14 member of the Senate Commerce Committee is well
 15 recognized; and

16 WHEREAS, Senator Holden served on numerous standing
 17 committees and appropriations subcommittees throughout
 18 his many years of legislative service and was a
 19 devoted legislator; and

20 WHEREAS, Senator Holden served honorably and gave
 21 unselfishly of his time and efforts to further the
 22 interests of the state of Iowa and its citizens; and

23 WHEREAS, it is proper that Senator Holden be
 24 honored for his many years of service to the state of
 25 Iowa; NOW THEREFORE,

26 BE IT RESOLVED, That the Senate pay tribute to
 27 Senator Holden for his devoted service to the Iowa

28 General Assembly and the citizens of this state, and
 29 that the Senate present to Senator Holden his Senate
 30 chair in appreciation for his service.

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1 BE IT FURTHER RESOLVED, That an official copy of
 2 this resolution be prepared and presented to former
 3 Senator Edgar H. Holden.

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 third general assembly, and that the same be furnished
 16 to such officers free of charge, to be paid for out of
 17 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,

Page 2

1 and one copy of each senate and house clip sheet, for
 2 the duration of the seventy-third 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 joint rules
4 of the senate and house for the ~~seventy-second~~
5 ~~seventy-third~~ 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~~ seventy-third general assembly shall
9 be:

10 JOINT RULES OF THE
11 SENATE AND HOUSE

12 Rule 1

13 Suspension of Joint Rules

14 The joint rules of the general assembly may be
15 suspended by concurrent resolution, duly adopted by a
16 constitutional majority of the senate and the house.

17 Rule 2

18 Designation of Sessions

19 Each regular session of a general assembly shall be
20 designated by the year in which such regular session
21 commences.

22 Rule 3

23 Sessions of a General Assembly

24 The election of officers, organization, hiring and
25 compensation of employees, and standing committees in
26 each house of the general assembly and action taken by
27 each house shall carry over from the first to the
28 second regular session and to any extraordinary
29 session of the same general assembly. The status of
30 each bill and resolution shall be the same at the

Page 2

1 beginning of each second session as it was immediately
2 before adjournment of the previous regular or
3 extraordinary session; however the rules of either
4 house may provide for re-referral of some or all bills
5 and resolutions to standing committees upon
6 adjournment of each session or at the beginning of a
7 subsequent regular or extraordinary session, except
8 those which have been adopted by both houses in
9 different forms.

10 Upon final adoption of a concurrent resolution at
11 any extraordinary session affecting that session, or
12 at a regular session affecting any extraordinary
13 session which may be held before the next regular

14 session, the creation of any calendar by either house
 15 shall be suspended and the business of the session
 16 shall consist solely of those bills or subject matters
 17 stated in the resolution adopted. Bills named in the
 18 resolution, or bills containing the subject matter
 19 provided for in the resolution, may, at any time, be
 20 called up for debate in either house by the majority
 21 leader of that house.

22 Rule 4

23 Presentation of Messages

24 All messages between the two houses shall be sent
 25 by the secretary of the senate or the chief clerk of
 26 the house of representatives, shall be announced and
 27 communicated to the chair.

28 Rule 5

29 Printing and Form of Bills

30 Page 3

1 and Other Documents

2 Bills and joint resolutions shall be introduced,
 3 numbered, prepared, and printed as provided by law, or
 4 in the absence of such law, in a manner determined by
 5 the secretary of the senate and the chief clerk of the
 6 house of representatives.

7 All bills and joint resolutions introduced shall be
 8 in a form and number approved by the secretary of the
 9 senate and chief clerk of the house.

10 The legal counsel's office of each house shall
 11 approve all bills before introduction.

12 Rule 6

13 Companion Bills

14 Identical bills introduced in each house shall be
 15 called companion bills. Each house shall designate
 16 the sponsor in the usual way followed in parentheses
 17 by the sponsor of the companion bill in the other
 18 house. The house where the bill is first introduced
 19 shall print the complete text.

20 Rule 7

21 Reprinting of Bills

22 Whenever any bill has been substantially amended by
 23 either house, the secretary of the senate or the chief
 24 clerk shall order the bill reprinted on paper of a
 25 different color. All adopted amendments shall be
 26 distinguishable.

27 The secretary of the senate or the chief clerk may
 28 order the printing of a reasonable number of
 29 additional copies of any bill, resolution, amendment,
 30 or journal.

Page 4

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Rule 8

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Daily Clip Sheet

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Rule 9

Reintroduction of Bills and Other Measures

A bill or resolution which has passed one house and is rejected in the other shall not be introduced again during that general assembly.

Rule 10

Certification of Bills and Other Enrollments

When any bill or resolution which has passed one house is rejected or adopted in the other, notice of such action and the date thereof shall be given to the house of origin in writing signed by the secretary or the chief clerk.

Rule 11

Code Editor's Correction Bill

A bill recommended by the code editor which is introduced by a committee of the house or senate within the first four weeks of convening of a legislative session and which contains code corrections of a nonsubstantive nature shall not be amended on the floor of either house except pursuant to corrective or nonsubstantive amendments filed by the judiciary committee of the senate or the judiciary and law enforcement committee of the house. Such committee amendments shall not be incorporated into the bill in the originating house but shall be filed

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1 separately.

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A bill recommended by the code editor which is introduced by a committee of the house or senate within the first four weeks of convening of a legislative session and which contains code corrections beyond those of a nonsubstantive nature shall not be amended on the floor of either house except pursuant to amendments filed by the judiciary committee of the senate or the judiciary and law enforcement committee of the house. Such committee amendments shall not be incorporated into the bill in the originating house but shall be filed separately. Such a bill shall be limited to corrections which: Adjust language to reflect current practices, insert earlier omissions, delete redundancies and

16 inaccuracies, delete temporary language, resolve
 17 inconsistencies and conflicts, update ongoing
 18 provisions, and remove ambiguities.

19 Rule 12

20 Amendments by Other House

21 I. When a bill which originated in one house is
 22 amended in the other house, the house originating the
 23 bill may amend the amendment, concur in full in the
 24 amendment, or refuse to concur in full in the
 25 amendment. ~~Such amendments~~ The amendment of the other
 26 house shall not be ruled out of order based on a
 27 question of germaneness. Precedence of motions shall
 28 be in that order.

29 A. If the house originating the bill concurs in
 30 the amendment, the bill shall then be immediately

Page 6

1 placed upon its final passage.

2 B. If the house originating the bill refuses to
 3 concur in the amendment, the bill shall be returned to
 4 the amending house which shall either:

5 1. Recede, after which the bill shall be read for
 6 the last time and immediately placed upon its final
 7 passage; or

8 2. Insist, which will send the bill to a
 9 conference committee.

10 C. If the house originating the bill amends the
 11 amendment, that house shall concur in the amendment as
 12 amended and the bill shall be immediately placed on
 13 final passage, and shall be returned to the other
 14 house. The other house cannot further amend the bill.

15 1. If the amending house which gave second
 16 consideration to the bill concurs in the amendment to
 17 the amendment, the bill shall then be immediately
 18 placed upon its final passage.

19 2. If the amending house refuses to concur in the
 20 amendment to the amendment, the bill shall be returned
 21 to the house originating the bill which shall either:

22 a. Recede, after which the bill shall be read for
 23 the last time as amended and immediately placed upon
 24 its final passage; or

25 b. Insist, which will send the bill to a
 26 conference committee.

27 II. A motion to recede has precedence over a
 28 motion to insist. Failure to recede means to insist;
 29 and failure to insist means to recede.

30 III. A motion to lay on the table or to

Page 7

1 indefinitely postpone shall be out of order with
2 respect to motions to recede from or insist upon and
3 to amendments to bills which have passed both houses.
4 IV. A motion to concur, refuse to concur, recede,
5 insist, or adopt a conference committee report is in
6 order even though the subject matter has previously
7 been acted upon.

8

Rule 13

9

Conference Committee

10 1. Within one legislative day after either house
11 insists upon an amendment to a bill, the presiding
12 officer of the house, after consultation with the
13 majority leader, shall appoint three majority party
14 members and, after consultation with the minority
15 leader, shall appoint two minority party members to a
16 conference committee. The majority leader of the
17 senate, after consultation with the president, shall
18 appoint three majority party members and, after
19 consultation with and approval by the minority leader,
20 shall appoint two minority party members to a
21 conference committee. The papers shall remain with the
22 house that originated the bill.
23 2. The conference committee shall meet before the
24 end of the next legislative day after their
25 appointment, shall select a chair and shall discuss
26 the controversy.
27 3. The authority of the committee shall cover free
28 conference during which the committee has authority to
29 propose amendments to any portion of a bill provided
30 the amendment is within the scope of the title of the

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1 bill as passed by the house of origin or amended by
2 the second house.
3 4. An agreement on recommendations must be
4 approved by at least three members from each house.
5 The committee shall submit two originals of the report
6 signed by at least three members of each house with
7 one signed original and three copies to be submitted
8 to each house. The report shall first be acted upon
9 in the house originating the bill. Such action,
10 including all papers, shall be immediately referred by
11 the secretary of the senate or the chief clerk of the
12 house of representatives to the other house.
13 5. The report of agreement is debatable, but
14 cannot be amended. If the report contains recommended
15 amendments to the bill, adoption of the report shall

16 automatically adopt all amendments contained therein.
17 After the report is adopted, there shall be no more
18 debate, and the bill shall immediately be placed upon
19 its final passage.

20 6. Refusal of either house to adopt the conference
21 committee report has the same effect as if the
22 committee had disagreed.

23 7. If the conference committee fails to reach
24 agreement, a report of such failure signed by at least
25 three members of each house shall be given promptly to
26 each house. The bill shall be returned to the house
27 that originated the bill, the members of the committee
28 shall be immediately discharged, and a new conference
29 committee appointed in the same manner as the first
30 conference committee.

Page 9

Rule 14

1

Enrollment and Authentication of Bills

2

3 A bill or resolution which has passed both houses
4 shall be enrolled in the house of origin under the
5 direction of either the secretary or the chief clerk
6 and its house of origin shall be certified by the
7 endorsement of the secretary or the chief clerk.

8 After enrollment, each bill shall be signed by the
9 president and by the speaker.

10

Rule 15

11

Concerning other Enrollments

12

13 All resolutions and other matters which are to be
14 presented to the governor for approval shall be
15 enrolled, signed, and presented in the same manner as
16 bills.

17

18 All resolutions and other matters which are not to
19 be presented to the governor or the secretary of state
20 shall be enrolled, signed and retained permanently by
21 the secretary of the senate or chief clerk of the
22 house.

23

Rule 16

24

Transmission of Bills to the Governor

25

26 After a bill has been signed in each house, it
27 shall be presented to the governor by the secretary or
28 the chief clerk of the house of origin. The secretary
29 or the chief clerk shall report the date of the
30 presentation, which shall be entered upon the journal
of the house of origin.

29

Rule 17

30

Fiscal Notes

Page 10

1 A fiscal note shall be attached to any bill or
2 joint resolution which reasonably could have an annual
3 effect of at least one hundred thousand dollars or a
4 combined total effect within five years after
5 enactment of five hundred thousand dollars or more on
6 the aggregate revenues, expenditures or fiscal
7 liability of the state or its subdivisions. This rule
8 does not apply to appropriation and ways and means
9 measures where the total effect is stated in dollar
10 amounts:

11 The preliminary determination of whether the bill
12 appears to require a fiscal note shall be made by the
13 legislative service bureau which shall send a copy of
14 the request to the legislative fiscal bureau unless
15 the requestor specifies the request is to be
16 confidential. Upon completion of the bill draft, the
17 legislative service bureau shall immediately send a
18 copy to the legislative fiscal director for review.
19 If the legislative fiscal bureau confirms that a
20 fiscal note is required, the words "FISCAL NOTE
21 REQUIRED" shall be prominently stamped on the bill
22 jacket.

23 When a committee reports a bill to the floor, the
24 committee shall state in the report whether a fiscal
25 note is or is not required.

26 The fiscal note shall be printed on the bill before
27 introduction if practicable; and the secretary of the
28 senate or chief clerk of the house shall attach the
29 fiscal note to the bill as soon as it is available.

30 The legislative fiscal director shall prepare the

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1 fiscal note within a reasonable time after receiving
2 the request and necessary information. A copy of the
3 fiscal note shall be filed by the legislative fiscal
4 director, for distribution, with the secretary of the
5 senate or the chief clerk of the house unless within
6 one legislative day a request for a revised fiscal
7 note is filed with the legislative fiscal director.

8 The legislative fiscal director may request the
9 cooperation of any state department or agency.

10 Each fiscal note shall state in dollars the
11 estimated effect of the bill on the revenues,
12 expenditures, and fiscal liability of the state during
13 the first five years after enactment. The information
14 shall specifically note the fiscal impact for the

15 first two years following enactment and the
16 anticipated impact for the succeeding three years.
17 The fiscal note shall specify the source of the
18 information. Sources of funds for expenditures under
19 the bill shall be stated, including federal funds. If
20 the fiscal director cannot make an accurate estimate,
21 the director shall state the best available estimate
22 or shall state that no dollar estimate can be made and
23 state concisely the reason.
24 The fiscal note shall be attached or printed in the
25 bill following the explanation or shall be printed in
26 the daily clip sheet.
27 A revised fiscal note may be requested by a
28 committee chair or a sponsor of the bill if the fiscal
29 effect of the bill has been changed by adoption of an
30 amendment. However, a request for a revised fiscal

Page 12

1 note shall not delay action on a bill unless so
2 ordered by the presiding officer of the house in which
3 the bill is under consideration.
4 If a date for adjournment has been set, then a
5 constitutional majority of the house in which the bill
6 is under consideration may waive the fiscal note
7 requirement during the three days prior to the date
8 set for adjournment.
9 A fiscal note shall be attached to any bill or
10 joint resolution which reasonably could have an annual
11 effect of at least one hundred thousand dollars or a
12 combined total effect within five years after
13 enactment of five hundred thousand dollars or more on
14 the aggregate revenues, expenditures or fiscal
15 liability of the state or its subdivisions. This rule
16 does not apply to appropriation and ways and means
17 measures where the total effect is stated in dollar
18 amounts.
19 Each fiscal note shall state in dollars the
20 estimated effect of the bill on the revenues,
21 expenditures, and fiscal liability of the state or its
22 subdivisions during the first five years after
23 enactment. The information shall specifically note
24 the fiscal impact for the first two years following
25 enactment and the anticipated impact for the
26 succeeding three years. The fiscal note shall specify
27 the source of the information. Sources of funds for
28 expenditures under the bill shall be stated, including
29 federal funds. If the fiscal director cannot make an
30 accurate estimate, the director shall state the best

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- 1 available estimate or shall state that no dollar
2 estimate can be made and state concisely the reason.
3 The preliminary determination of whether the bill
4 appears to require a fiscal note shall be made by the
5 legislative service bureau which shall send a copy of
6 the request to the legislative fiscal bureau unless
7 the requestor specifies the request is to be
8 confidential. Upon completion of the bill draft, the
9 legislative service bureau shall immediately send a
10 copy to the legislative fiscal director for review.
11 When a committee reports a bill to the floor, the
12 committee shall state in the report whether a fiscal
13 note is or is not required.
14 The legislative fiscal director shall review all
15 bills placed on the senate or house calendars to
16 determine whether the bills are subject to this rule.
17 Additionally, a legislator may request the
18 preparation of a fiscal note by legislative fiscal
19 bureau for any bill or joint resolution introduced
20 which reasonably could be subject to this rule.
21 The legislative fiscal director shall cause to be
22 prepared and shall approve a fiscal note within a
23 reasonable time after receiving a request or
24 determining that a bill is subject to this rule. All
25 fiscal notes approved by the legislative fiscal bureau
26 director shall be transmitted immediately to the
27 secretary of the senate or the chief clerk of the
28 house, after notifying the sponsor of the bill that a
29 fiscal note has been prepared, for publication in the
30 daily clip sheet. The secretary of the senate or

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- 1 chief clerk of the house shall attach the fiscal note
2 to the bill as soon as it is available.
3 The legislative fiscal director may request the
4 cooperation of any state department or agency in
5 preparing a fiscal note.
6 A revised fiscal note may be requested by a
7 legislator if the fiscal effect of the bill has been
8 changed by adoption of an amendment. However, a
9 request for a revised fiscal note shall not delay
10 action on a bill unless so ordered by the presiding
11 officer of the house in which the bill is under
12 consideration.
13 If a date for adjournment has been set, then a

14 constitutional majority of the house in which the bill
 15 is under consideration may waive the fiscal note
 16 requirement during the three days prior to the date
 17 set for adjournment.

18 Rule 18

19 Legislative Interns

20 Legislators may arrange student internships during
 21 the legislative session with Iowa college, university,
 22 or law school students, for which the students may
 23 receive college credit at the discretion of their
 24 schools. Each legislator is allowed only one intern
 25 at a time per legislative session, and all interns
 26 must be registered with the offices of the secretary
 27 of the senate and the chief clerk of the house.

28 The purpose of the legislative intern program shall
 29 be: 1) to provide useful staff services to
 30 legislators not otherwise provided by the general

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1 assembly; 2) to give interested college, graduate, and
 2 law school students practical experience in the
 3 legislative process as well as providing a meaningful
 4 educational experience; and 3) to enrich the
 5 curriculum of participating colleges and universities.

6 The secretary of the senate and the chief clerk of
 7 the house or their designees shall have the following
 8 responsibilities as regards the legislative intern
 9 program:

10 1. Identify a supervising faculty member at each
 11 participating institution who shall be responsible for
 12 authorizing students to participate in the intern
 13 program.

14 2. Provide legislators with a list of
 15 participating institutions and the names of
 16 supervising professors to contact if interested in
 17 arranging for an intern.

18 3. Provide interns with name badges which will
 19 allow them access to the floor of either house when
 20 required to be present by the legislators for whom
 21 they work.

22 4. Provide orientation materials to interns prior
 23 to the convening of each session.

24 Rule 19

25 Administrative Rules Review Committee Bills
 26 A bill which relates to departmental rules and
 27 which is approved by the administrative rules review
 28 committee by a majority of the committee's members of
 29 each house is eligible for introduction in either
 30 house at any time and must be referred to a standing

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1 committee, which must take action on the bill within
 2 three weeks of referral, except bills referred to
 3 appropriations and ways and means committees.

4 Rule 20

5 Time of Committee Passage and Consideration of Bills

6 1. This rule does not apply to concurrent or
 7 simple resolutions, joint resolutions nullifying
 8 administrative rules, senate confirmations, or bills
 9 passed by both houses in different forms. Subsection
 10 2 of this rule does not apply to appropriations bills,
 11 ways and means bills, legalizing acts, administrative
 12 rules review committee bills, bills cosponsored by
 13 majority and minority floor leaders of one house,
 14 bills in conference committee, and companion bills
 15 sponsored by the majority floor leaders of both houses
 16 after consultation with the respective minority floor
 17 leaders. For the purposes of this rule, a joint
 18 resolution is considered as a bill. To be considered
 19 an appropriations or ways and means bill for the
 20 purposes of this rule, the appropriations committee or
 21 the ways and means committee must either be the
 22 sponsor of the bill or the committee of first referral
 23 in the originating house.

24 2. To be placed on the calendar in the house of
 25 origin, a bill must be first reported out of the
 26 committee of first referral by Friday of the 10th week
 27 of the first session and the 8th week of the second
 28 session. To be placed on the calendar in the other
 29 house, a bill must be first reported out of the
 30 committee of first referral by Friday of the 13th week

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1 of the first session and the 11th week of the second
 2 session.

3 3. During the 11th week of the first session and
 4 the 9th week of the second session, each house shall
 5 consider only bills originating in that house and
 6 unfinished business. During the 14th week of the
 7 first session and the 12th week of the second session,
 8 each house shall consider only bills originating in
 9 the other house and unfinished business. Beginning
 10 with the 15th week of the first session and the 13th
 11 week of the second session, each house shall consider
 12 only bills passed by both houses, bills exempt from
 13 subsection 2 and unfinished business.

14 4. A motion to reconsider filed and not disposed
 15 of on an action taken on a bill or resolution which is

16 subject to a deadline under this rule may be called up
17 at any time before or after the day of the deadline by
18 the person filing the motion or after the deadline by
19 the majority floor leader, notwithstanding any other
20 rule to the contrary.

21 Rule 21

22 Resolutions

23 1. A "concurrent resolution" is a resolution to be
24 adopted by both houses of the general assembly which
25 expresses the sentiment of the general assembly or
26 deals with temporary legislative matters. It may
27 authorize the expenditure, for any legislative
28 purpose, of funds appropriated to the general
29 assembly. A concurrent resolution is not limited to,
30 but may provide for a joint convention of the general

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1 assembly, adjournment or recess of the general
2 assembly, or requests to a state agency or to the
3 general assembly or a committee. A concurrent
4 resolution requires the affirmative vote of a majority
5 of the senators or representatives present and voting
6 unless otherwise specified by statute. A concurrent
7 resolution does not require the governor's approval
8 unless otherwise specified by statute. A concurrent
9 resolution shall be filed with the secretary of the
10 senate or the chief clerk of the house. A concurrent
11 resolution shall be printed in the bound journal after
12 its adoption.

13 2. A "joint resolution" is a resolution which
14 requires for approval the affirmative vote of a
15 constitutional majority of each house of the general
16 assembly. A joint resolution which appropriates funds
17 or enacts temporary laws must contain the clause "Be
18 It Enacted by the General Assembly of the State of
19 Iowa:", is equivalent to a bill, and must be
20 transmitted to the governor for his approval. A joint
21 resolution which proposes amendments to the
22 Constitution of the State of Iowa, ratifies amendments
23 to the Constitution of the United States, proposes a
24 request to Congress or an agency of the government of
25 the United States of America, proposes to Congress an
26 amendment to the Constitution of the United States of
27 America, nullifies an administrative rule, or creates
28 a special commission or committee must contain the
29 clause "Be It Resolved by the General Assembly of the
30 State of Iowa:" and shall not be transmitted to the

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1 governor. A joint resolution shall not amend a
2 statute in the Code of Iowa.

3 Rule 22

4 Nullification Resolutions

5 A "nullification resolution" is a joint resolution
6 which nullifies all ~~or part~~ of an administrative rule,
7 or a severable item of an administrative rule adopted
8 pursuant to chapter 17A of the Code. A nullification
9 resolution shall not amend an administrative rule by
10 adding language or by inserting new language in lieu
11 of existing language.

12 A nullification resolution is debatable, but cannot
13 be amended on the floor of the house or senate. The
14 effective date of a nullification resolution shall be
15 stated in the resolution. Any motions filed to
16 reconsider adoption of a nullification resolution must
17 be disposed of within one legislative day of the
18 filing.

19 Rule 23

20 ~~Reconsideration~~ Consideration of Vetoes

21 1. The senate and house calendar shall include a
22 list known as the "Veto Calendar." The veto calendar
23 shall consist of:

24 a. Bills returned to that house by the governor in
25 accordance with Article III, section 16 of the
26 Constitution of the State of Iowa.

27 b. Appropriations items returned to that house by
28 the governor in accordance with Article III, section
29 16 of the Constitution of the State of Iowa.

30 c. Bills and appropriations items received from

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1 the other house after that house has voted to override
2 a veto of them by the governor.

3 2. Vetoes bills and appropriations items shall
4 automatically be placed on the veto calendar upon
5 receipt. Vetoes bills and appropriations items shall
6 not be referred to committee.

7 3. Upon first publication in the veto calendar,
8 the senate majority leader or the house majority
9 leader may call up a vetoed bill or appropriations
10 item at any time.

11 4. The affirmative vote of two-thirds of the
12 members of the body by record roll call ~~on a motion to~~
13 ~~reconsider a vetoed bill or appropriations item~~
14 ~~constitutes a vote to override the executive veto or~~
15 ~~item veto~~ is required on a motion to override an

16 executive veto or item veto.

17 5. A motion to ~~reconsider a vetoed bill or~~
18 ~~appropriations item override an executive veto or item~~
19 ~~veto~~ is debatable. A vetoed bill or appropriation
20 item cannot be amended in this case.

21 6. The vote by which a motion to ~~reconsider a~~
22 ~~vetoed bill or appropriations item override an~~
23 ~~executive veto or item veto~~ passes or fails to pass
24 either house is not subject to reconsideration under
25 senate rule 24 or house rule 73.

26 7. The secretary of the senate or the chief clerk
27 of the house shall immediately notify the other house
28 of the adoption or rejection of a motion to ~~reconsider~~
29 ~~a vetoed bill or appropriations item override an~~
30 ~~excutive veto or item veto.~~

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1 8. All bills and appropriations items on the veto
2 calendar shall be disposed of before adjournment sine
3 die, unless the house having a bill or appropriation
4 item before it declines to do so by unanimous consent.

5 9. Bills and appropriations items on the veto
6 calendar are exempt from deadlines imposed by joint
7 rule 20.

1 SENATE CONCURRENT RESOLUTION 3

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-third 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 HOUSE, THE SENATE CONCURRING,

13 That the compensation for the following officers for
14 the period commencing January 9, ~~1987~~ 1989 and ending
15 January 9, ~~1989~~ 7, 1991, shall be within the following
16 ranges:

17 Secretary of the Senate and Chief
18 Clerk of the House \$30,700 to \$49,046
19 \$32,572 to \$56,628

20 Within the indicated ranges the exact compensation
21 shall be set or adjusted for the senate officers by
22 the senate rules and administration committee and for
23 the house officers by the house rules and

24 administration committee. The committees shall report
 25 the exact compensation assigned to each position on
 26 the next legislative day, or, if such action is during
 27 the interim, on the first day the senate or house
 28 shall convene. Any action by the senate or house to
 29 disapprove or amend the report shall be effective the
 30 day after the action.

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1 BE IT FURTHER RESOLVED, That the compensation of
 2 the employees of the ~~seventy-second~~ seventy-third
 3 general assembly is set, effective from January 9,
 4 ~~1987 1989~~, until January 9, ~~1989 7, 1991~~, in
 5 accordance with the following salary schedule:

6 #8	#9	#10	#11	#12
7 \$9,318.40	\$9,796.80	\$10,296.00	\$10,816.00	\$11,356.80
8 4.48	4.71	4.95	5.20	5.46
9				
10 #13	#14	#15	#16	#17
11 \$11,939.20	\$12,542.40	\$13,166.40	\$13,832.00	\$14,497.60
12 5.74	6.03	6.33	6.65	6.97
13				
14 #18	#19	#20	#21	#22
15 \$15,184.00	\$15,912.00	\$16,702.40	\$17,472.00	\$18,324.80
16 7.30	7.65	8.03	8.40	8.81
17				
18 #23	#24	#25	#26	#27
19 \$19,219.20	\$20,113.60	\$21,091.20	\$22,110.40	\$23,171.20
20 9.24	9.67	10.14	10.63	11.14
21				
22 #28	#29	#30	#31	#32
23 \$24,273.60	\$25,459.20	\$26,644.80	\$27,955.20	\$29,265.60
24 11.67	12.24	12.81	13.44	14.07
25				
26 #33	#34	#35	#36	#37
27 \$30,700.80	\$32,156.80	\$33,696.00	\$35,318.40	\$37,003.20
28 14.76	15.46	16.20	16.98	17.79
29				
30 #38	#39	#40	#41	#42

Page 3

1 \$38,812.80	\$40,664.00	\$42,619.20	\$44,657.60	\$46,800.00
2 18.66	19.55	20.49	21.47	22.50
3 #8	#9	#10	#11	#12
4 \$9,880.00	\$10,379.20	\$10,920.00	\$11,460.80	\$12,043.20
5 4.75	4.99	5.25	5.51	5.79
6				

SENATE RESOLUTIONS

3487

7	#13	#14	#15	#16	#17
8	<u>\$12,646.40</u>	<u>\$13,312.00</u>	<u>\$13,977.60</u>	<u>\$14,664.00</u>	<u>\$15,371.20</u>
9	<u>6.08</u>	<u>6.40</u>	<u>6.72</u>	<u>7.05</u>	<u>7.39</u>
10					
11	#18	#19	#20	#21	#22
12	<u>\$16,120.00</u>	<u>\$16,868.80</u>	<u>\$17,721.60</u>	<u>\$18,532.80</u>	<u>\$19,448.00</u>
13	<u>7.75</u>	<u>8.11</u>	<u>8.52</u>	<u>8.91</u>	<u>9.35</u>
14					
15	#23	#24	#25	#26	#27
16	<u>\$20,384.00</u>	<u>\$21,320.00</u>	<u>\$22,360.00</u>	<u>\$23,441.60</u>	<u>\$24,564.80</u>
17	<u>9.80</u>	<u>10.25</u>	<u>10.75</u>	<u>11.27</u>	<u>11.81</u>
18					
19	#28	#29	#30	#31	#32
20	<u>\$25,750.40</u>	<u>\$26,998.40</u>	<u>\$28,267.20</u>	<u>\$29,660.80</u>	<u>\$31,033.60</u>
21	<u>12.38</u>	<u>12.98</u>	<u>13.59</u>	<u>14.26</u>	<u>14.92</u>
22					
23	#33	#34	#35	#36	#37
24	<u>\$32,572.80</u>	<u>\$34,112.00</u>	<u>\$35,734.40</u>	<u>\$37,460.80</u>	<u>\$39,270.40</u>
25	<u>15.66</u>	<u>16.40</u>	<u>17.18</u>	<u>18.01</u>	<u>18.88</u>
26					
27	#38	#39	#40	#41	#42
28	<u>\$41,163.20</u>	<u>\$43,139.20</u>	<u>\$45,219.20</u>	<u>\$47,382.40</u>	<u>\$49,649.60</u>
29	<u>19.79</u>	<u>20.74</u>	<u>21.74</u>	<u>22.78</u>	<u>23.87</u>
30	In this schedule, each numbered block shall be the				

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1 yearly and hourly compensation for the pay grade of
 2 the number heading the block. Within each grade there
 3 shall be six steps numbered "1" through "6". In the
 4 above schedule the steps for all grades are determined
 5 in the following manner. Each numbered block is
 6 counted as the "1" step for that grade. The next
 7 higher block is counted as the "2" step; the next
 8 higher block is the "3" step; the next higher block is
 9 the "4" step; the next higher block is the "5" step;
 10 the next higher block is the "6" step.

11 All employees shall be available to work daily
 12 until completion of the senate's and house of
 13 representatives' business. The secretary of the
 14 senate and chief clerk of the house shall schedule all
 15 employees' working hours to, as far as possible,
 16 maintain regular working hours.

17 All employees, other than those designated "part-
 18 time" shall be compensated for 40 hours of work in a
 19 one-week pay period. Secretaries to senators and
 20 representatives are presumed to have 40 hours of work
 21 each week the legislature is in session and shall be
 22 paid only on that basis. Except for the personnel
 23 designated to the contrary in this resolution,

24 employees who are required to work in excess of 40
 25 hours in a one-week pay period shall either be
 26 compensated at a rate of pay equal to one and one-half
 27 times the hourly pay provided in this resolution or
 28 allowed compensatory time off at a rate of one and
 29 one-half hours for each hour of overtime.
 30 The following personnel shall not be paid an

Page 5

1 overtime premium:
 2 Secretary of the Senate
 3 Chief Clerk of the House
 4 Assistant Secretary of the Senate
 5 Assistant Chief Clerk of the House
 6 Senate Legal Counsel
 7 House Legal Counsel
 8 Finance Officer
 9 Senior Finance Officer
 10 Senior Journal Editor
 11 All Administrative Assistants
 12 All Research Analysts
 13 All Research Assistants
 14 All Secretaries to Senators and Representatives
 15 All Caucus Staff Directors
 16 Administrative, Executive, and Confidential
 17 Secretaries to Speaker, Leader or
 18 Secretary of Senate or Chief Clerk of House
 19 All employees shall be available to work daily
 20 until completion of the senate's and house of
 21 representatives' business. The secretary of the
 22 senate and chief clerk of the house shall schedule all
 23 employees' working hours to, as far as possible,
 24 maintain regular working hours.
 25 BE IT FURTHER RESOLVED, That part-time employees
 26 shall be compensated at the scheduled hourly rate for
 27 their pay grade and step.
 28 BE IT FURTHER RESOLVED, That compensatory time off
 29 shall be granted to employees not eligible for
 30 overtime pay in a uniform manner for all legislative

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1 employees as determined by the legislative council.
 2 BE IT FURTHER RESOLVED, That in the event the
 3 salary schedule for employees of the State of Iowa as
 4 promulgated by the personnel commission pursuant to
 5 section 19A.9, subsection 2, Code ~~1987~~ 1989, is
 6 revised upward at any time during the ~~seventy-second~~
 7 seventy-third general assembly, such revised schedule

8 shall simultaneously be adopted for the compensation
 9 of the employees of the ~~seventy-second~~ seventy-third
 10 general assembly assigned a grade by this resolution.
 11 The pay ranges of those positions specifically listed
 12 on page one of this resolution shall be automatically
 13 adjusted to reflect any cost of living increases
 14 granted to those employees not included in the
 15 collective bargaining agreement made final under
 16 chapter 20 of the Code and increases provided by the
 17 legislative council for agency directors.
 18 BE IT FURTHER RESOLVED, That the employees of the
 19 ~~seventy-second~~ seventy-third general assembly be
 20 placed in the following pay grades:

21 EMPLOYEES OF THE HOUSE

22 Assistant Chief Clerk of the House	Grade 32 <u>34</u>
23 Legal Counsel II	Grade 33
24 Legal Counsel I	Grade 29
25 Caucus Staff Director	Grade 34
26 Sr. Caucus Staff Director	Grade 36
27 Administrative Assistant to Leader 28 or Speaker I	Grade 27
29 Administrative Assistant to Leader 30 or Speaker II	Grade 30

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1 Administrative Assistant to Leader 2 or Speaker III	Grade 33
3 Sr. Administrative Assistant to 4 Leader or Speaker	Grade 35
5 <u>Research Assistant</u>	<u>Grade 24</u>
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 Secretary to Leader	Grade 19
11 Caucus Secretary	Grade 21
12 Administrative Secretary to Leader, 13 Speaker, or Chief Clerk	Grade 21
14 Executive Secretary to Leader, 15 Speaker or Chief Clerk	Grade 23
16 Confidential Secretary to Leader, 17 Speaker, or Chief Clerk	Grade 26
18 Clerk to Chief Clerk	Grade 16
19 Supervisor of Sec/ <u>Computer Trainer</u>	Grade 22 <u>23</u>
20 <u>Senior Journal Editor</u>	<u>Grade 29</u>
21 Journal Editor	Grade 25 <u>24</u>
22 Assistant Journal Editor	Grade 21
23 Compositor	Grade 20 <u>17</u>
24 <u>Senior Finance Officer</u>	<u>Grade 31</u>

25	Finance Officer <u>II</u>	Grade 27
26	<u>Finance Officer I</u>	<u>Grade 24</u>
27	Assistant Finance Officer	Grade 21
28	Recording Clerk/ <u>Supervisor of Pages</u>	<u>Grade 20</u> <u>21</u>
29	Assistant Legal Counsel	Grade 26
30	Assistant to the Legal Counsel and	

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1	Engrossing/Enrolling Clerk	Grade 24
2	Assistant to the Legal Counsel	Grade 16 <u>17</u>
3	Chief Indexer	Grade 21 <u>24</u>
4	<u>Indexer</u>	<u>Grade 21</u>
5	Indexing Assistant	Grade 18
6	Supply Clerk	Grade 15
7	Switchboard Operator	Grade 13
8	Legislative Secretary	Grade 15
9	Legislative Committee Secretary	Grade 17
10	Bill Clerk	Grade 13
11	Assistant Bill Clerk	Grade 12
12	Postmaster	Grade 11
13	Sergeant-at-Arms	Grade 16
14	Assistant Sergeant-at-Arms	Grade 13
15	Doorkeepers	Grade 10
16	Pages	Minimum Wage

EMPLOYEES OF THE SENATE

17		
18	Assistant Secretary of the Senate	Grade 33 <u>34</u>
19	Legal Counsel II	Grade 33
20	Legal Counsel I	Grade 29
21	Caucus Staff Director	Grade 34
22	Sr. Caucus Staff Director	Grade 36
23	Administrative Assistant to Leader I	Grade 27
24	Administrative Assistant to Leader II	Grade 30
25	Administrative Assistant to Leader III	Grade 33
26	Sr. Administrative Assistant to Leader	Grade 35
27	<u>Research Assistant</u>	<u>Grade 24</u>
28	Legislative Research Analyst I	Grade 27
29	Legislative Research Analyst II	Grade 30
30	Legislative Research Analyst III	Grade 33

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1	Sr. Legislative Research Analyst	Grade 35
2	Caucus Secretary	Grade 21
3	Secretary to Leader	Grade 19
4	Administrative Secretary to Leader	
5	or Secretary of the Senate	Grade 21
6	Executive Secretary to Leader	
7	or Secretary of the Senate	Grade 23
8	Confidential Secretary to Leader	

9 or Secretary of the Senate Grade 26

10 Supervisor of Sec/Computer Trainer Grade 23

11 Senior Journal Editor Grade 29

12 Journal Editor Grade 25 24

13 Assistant Journal Editor/
14 Assistant Finance Officer Grade 23

15 Assistant Journal Editor Grade 21

16 Compositor Grade 20 17

17 Assistant Legal Counsel Grade 26

18 Assistant to the Legal Counsel/
19 Assistant Finance Officer Grade 18

20 Assistant to the Legal Counsel Grade 16 17

21 Senior Finance Officer Grade 31

22 Finance Officer II Grade 27

23 Finance Officer I Grade 24

24 Assistant Finance Officer Grade 21

25 Recording Clerk Grade 20

26 Chief Indexer Grade 21 24

27 Indexer Grade 21

28 Indexing Assistant Grade 18

29 Records and Supply Clerk Grade 17

30 Switchboard Operator Grade 13

Page 10

1 Legislative Secretary Grade 15

2 Legislative Committee Secretary Grade 17

3 Bill Clerk Grade 13

4 Assistant Bill Clerk Grade 12

5 Postmaster Grade 11

6 Sergeant-at-Arms Grade 16

7 Assistant Sergeant-at-Arms Grade 13

8 Chief Doorkeeper Grade 11

9 Doorkeepers Grade 10

10 ~~Porter~~ Grade 9

11 Pages Minimum Wage

12 BE IT FURTHER RESOLVED, That there shall be four

13 classes of appointments as employees of the general

14 assembly:

15 A "permanent full-time" or "permanent part-time"

16 employee is one who is employed the year around and

17 eligible to receive state benefits.

18 An "exempt full-time" employee is one who is

19 employed for the period of the sessions with

20 extensions post-session and pre-session as scheduled.

21 This class is eligible to receive state benefits with

22 the cost of benefits to the state to be paid by the

23 employee when not on the payroll.

24 A "session-only" employee is one who is employed

25 for only a portion of the year, usually the

26 legislative session. This class is not eligible for
 27 state benefits, except IPERS.
 28 A "part-time" employee is one who is employed to
 29 work less than 40 hours per week. This class is not
 30 eligible for state benefits, except IPERS if eligible.

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1 BE IT FURTHER RESOLVED, That the exact
 2 classification for individuals in a job series created
 3 by this resolution shall be set or changed for senate
 4 employees by the senate rules and administration
 5 committee and for the house employees by the house
 6 rules and administration committee. The committees
 7 shall base the classification upon the following
 8 factors:

9 1. The extent of formal education required of the
 10 position; and,

11 2. The extent of the responsibilities to be
 12 assigned to the position; and,

13 3. The amount of supervision placed over the
 14 position; and,

15 4. The number of persons the position is assigned
 16 to supervise and skill and responsibilities of those
 17 positions supervised.

18 The committees shall report the exact
 19 classifications assigned to each individual on the
 20 next legislative day, or, if such action is during the
 21 interim, on the first day the senate or house shall
 22 convene. Any action by the senate or house to
 23 disapprove a report or a portion of a report shall be
 24 effective the day after the action.

25 ~~BE IT FURTHER RESOLVED, That positions, titles and~~
 26 ~~grades assigned in this resolution may be adjusted by~~
 27 ~~affirmative vote of the Comparable Worth Appeals~~
 28 ~~Committee and the senate rules and administration~~
 29 ~~committee and the house rules and administration~~
 30 ~~committee.~~

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1 Recommendations for a pay grade for a new position
 2 shall be developed in accordance with the factor
 3 scores in the comparable worth report. Every four
 4 years the senate rules and administration committee,
 5 the house rules and administration committee, and the
 6 legislative council shall review all positions in the
 7 legislative branch to assure conformity to comparable
 8 worth.

9 BE IT FURTHER RESOLVED, That a senator or
10 representative may employ a secretary who in the
11 judgment of the senator or representative employing
12 such person, possesses the necessary skills to perform
13 the duties such senator or representative shall
14 designate, under the administrative direction, as
15 appropriate, of the secretary of the senate or the
16 chief clerk of the house.

17 Each standing committee chairperson, ethics
18 committee chairperson, and each appropriations
19 subcommittee chairperson shall designate a secretary
20 who has either: a) been certified by the personnel
21 commission as having passed a typing and shorthand
22 performance examination; or, b) has demonstrated
23 competence in the use of the legislative computer
24 system to be the Secretary to the Committee. Such
25 Secretary shall is competent to perform the following
26 duties: prepare committee minutes, committee reports,
27 type committee correspondence, maintain committee
28 records, and otherwise assist the committee. Such
29 duties shall be performed in accordance with standards
30 which shall be provided by the secretary of the senate

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1 and chief clerk of the house. The chairperson of a
2 senate or house committee may designate any secretary
3 who has been certified by the personnel commission or
4 who has demonstrated competence in the use of the
5 legislative computer system to be the committee
6 secretary. In making the designation, chairpersons
7 shall consider persons for possible designation as the
8 secretary to the committee in the following order:

9 First: The secretary to the chairperson.

10 Second: The secretary to the committee's vice-
11 chairperson.

12 Third: The secretary to any other member of the
13 committee.

14 Fourth: The secretary to any other member in the
15 same house as the committee.

16 A designated committee secretary must be a person
17 who has been certified by the personnel commission as
18 having passed a typing performance examination of at
19 least 40 words per minute, and a stenographic
20 performance examination of 80 words per minute using
21 either manual or machine dictation which will be
22 transcribed with 80% or 95% accuracy respectively; or
23 who has demonstrated competency in the use of the
24 legislative computer system.

25 BE IT FURTHER RESOLVED, That a Legal Counsel II

26 shall be a person who has graduated from an accredited
 27 school of law and is admitted to practice in Iowa as
 28 an Attorney and Counselor at Law and possesses either
 29 a Masters of Law degree or has at least two years of
 30 legal experience after admission to practice.

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1 A Legal Counsel I shall be a person who has
 2 graduated from an accredited school of law and is
 3 admitted to practice in Iowa as an Attorney and
 4 Counselor at Law.
 5 ~~BE IT FURTHER RESOLVED, That part-time employees~~
 6 ~~shall be compensated at the scheduled hourly rate for~~
 7 ~~their pay grade and step.~~
 8 BE IT FURTHER RESOLVED, That employees of the
 9 general assembly may be eligible for either:
 10 a) increases in salary grade or step based on
 11 evaluation of their job performance and
 12 recommendations of their administrative officers,
 13 subject to approval of the senate committee on rules
 14 and administration or the house committee on rules and
 15 administration, as appropriate; or
 16 b) mobility within pay steps at the discretion of
 17 the chief clerk of the house and the secretary of the
 18 senate, subject to the approval of the house committee
 19 on rules and administration or the senate committee on
 20 rules and administration, as appropriate -- in accord
 21 with the following schedule:
 22 (1) Progression from step "1" to "2" -- ~~twelve~~ six
 23 months of actual employment.
 24 (2) Progression from step "2" to "3", and step "3"
 25 to "4", and step "4" to "5" -- twelve months of actual
 26 employment.
 27 (3) Progression from step "5" to "6" -- ~~twenty~~
 28 ~~four~~ twelve months of actual employment.
 29 ~~Notwithstanding the provisions of the above~~
 30 ~~paragraph, any employees of the general assembly, who,~~

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1 ~~prior to the date of final passage of this resolution,~~
 2 ~~we were granted meritorious-based steps in their position~~
 3 ~~which raised them beyond step six are subject to the~~
 4 ~~following process in determining pay level:~~
 5 a. ~~as of the effective date of this resolution,~~
 6 ~~the rate of the employees' compensation is to be set~~
 7 ~~at the grade level assigned under this resolution, and~~
 8 ~~the step level is to be set at the same level as that~~

9 employee was assigned as of the date of final passage
10 of this resolution;

11 b: the employees covered under this paragraph
12 shall not be eligible for further compensation
13 increases until such time as the actual compensation
14 level for step six of their assigned grade exceeds
15 their current compensation, at which time the employee
16 shall move to step six of their assigned grade.

17 BE IT FURTHER RESOLVED, that in addition to the
18 steps provided in the preceding paragraph, that
19 secretaries to senators and representatives who were
20 employees of the senate or house of representatives
21 during any general assembly prior to January 9, 1989,
22 and who have received certification for passing a
23 typing and shorthand performance examination shall be
24 eligible for two additional steps upon certification
25 by the personnel commission that the secretary has
26 passed the typing and shorthand performance
27 examinations.

28 BE IT FURTHER RESOLVED, That in addition to the
29 steps provided in the preceding paragraph, that
30 secretaries to senators and representatives shall be

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1 eligible for a maximum of three additional grades
2 beyond grade 15, in any combination, as provided in
3 this paragraph:

4 1. One additional grade for a secretary to a
5 standing committee chair, ethics committee chair or
6 appropriations subcommittee chair who is not the
7 designated committee secretary.

8 2. One additional grade for a secretary to a vice-
9 chairperson or ranking member of a standing committee,
10 ethics committee or appropriations subcommittee.

11 3. One additional grade for a secretary to the
12 chairperson of the chaplain's committee.

13 4. Two additional grades for a secretary to an
14 assistant floor leader or speaker pro tempore or
15 president pro tempore.

16 BE IT FURTHER RESOLVED, That the entrance salary
17 for employees of the general assembly shall be at step
18 1 in the grade of the position held. Such employee
19 may be hired above the entrance step if possessing
20 outstanding and unusual experience for the position,
21 provided that the entrance is not beyond step 3. Such
22 employee who is hired above the entrance step shall be
23 mobile above that step in the same period of time as
24 other employees in that same step. An officer or
25 employee who is moved to another position may be

26 considered for partial or full credit for their
27 experience in the former position in determining the
28 step in the new grade.
29 The entry level for the position of research
30 analyst shall be Legislative Research Analyst I,

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1 unless extraordinary conditions justify increasing
2 that entry level; however, that entry level may not be
3 increased beyond Legislative Research Analyst II. A
4 research analyst must have shown knowledge of
5 legislative rules and procedures as well as the Code
6 of Iowa to be considered at any level above a
7 Legislative Research Analyst I.
8 BE IT FURTHER RESOLVED, That a pay increase for
9 employees of one step within the pay grade for the
10 position may be made for exceptionally meritorious
11 service in addition to step increases provided for in
12 this resolution, upon recommendation of the secretary
13 of the senate or chief clerk of the house and the
14 approval of the senate committee on rules and
15 administration or the house committee on rules and
16 administration. Exceptionally meritorious service pay
17 increases shall be governed by the following:
18 a. The employee must have served in the position
19 for at least twelve months;
20 b. Written justification, setting forth in detail
21 the nature of the exceptionally meritorious service
22 rendered, must be submitted to the senate rules and
23 administration committee or house rules and
24 administration committee and approved in advance of
25 granting the pay increase;
26 c. No more than one exceptionally meritorious
27 service pay increase may be granted in any twelve-
28 month period.
29 d. Such meritorious service pay increase shall not
30 be granted beyond the six-step maximum for that

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1 position.
2 BE IT FURTHER RESOLVED, That the secretary of the
3 senate and chief clerk of the house shall receive
4 applications for employment, arrange for any necessary
5 examinations, contact references and make
6 recommendations for hiring. The senate rules and
7 administration committee and the house rules and
8 administration committee shall both hire officers and
9 employees for their respective bodies and fill any

10 vacancies which may occur, to be effective at such
11 time as they shall set. The committee shall report
12 the names of those it has hired for the positions
13 specified in this resolution or the filling of any
14 vacancies on the next legislative day or, if such
15 action is during the interim, on the first day the
16 senate or house shall convene. Any action by the
17 senate or house to amend or disapprove a report or a
18 portion of a report shall be effective the day after
19 the action.

20 The chief clerk of the house shall submit to the
21 house committee on rules and administration and the
22 secretary of the senate shall submit to the senate
23 committee on rules and administration the list of
24 names, or amendments thereto, of employee
25 classifications and recommended pay step for each
26 officer and employee. Such list shall include
27 recommendations for the pay step for all employees.
28 Each respective committee shall approve or amend the
29 list of recommended classifications and pay steps and
30 publish said list in the journal. ~~The secretary of~~

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1 ~~the senate and the chief clerk of the house shall set~~
2 ~~the period of employment of intermittent employees~~
3 ~~under such direction as the senate rules and~~
4 ~~administration committee and the house rules and~~
5 ~~administration committee may provide.~~

6 BE IT FURTHER RESOLVED, That permanent employees of
7 the general assembly shall receive vacation
8 allowances, sick leave, health and accident insurance,
9 life insurance, and disability income insurance as are
10 provided for full-time permanent state employees. The
11 computations shall be maintained by the finance
12 officers in each house and coordinated with the
13 department of management.

14 BE IT FURTHER RESOLVED, That should any employee
15 have a grievance concerning their compensation, hours
16 of work, performance of work, or other matter, the
17 grievance shall be resolved as provided in this
18 paragraph or by procedures determined by the senate
19 rules and administration committee for senate
20 employees or the house rules and administration
21 committee for house employees.

22 The grievance shall first be brought to the
23 attention of the secretary of the senate or chief
24 clerk of the house, as appropriate. The procedure may
25 be informal and oral except that the secretary or

26 chief clerk shall give his or her final conclusion in
 27 writing.
 28 An employee may appeal in writing an adverse ruling
 29 of the secretary or chief clerk to the senate rules
 30 and administration committee for senate employees or

Page 20

1 the house rules and administration committee for house
 2 employees which shall consider the grievance. The
 3 committee's consideration shall be informal except
 4 that accurate minutes shall be kept and the final
 5 conclusion shall be in writing.
 6 Any employee having a grievance shall have access
 7 to all relevant house or senate records, may have the
 8 assistance of counsel, and, if the grievance involves
 9 a disciplinary action, shall have a written statement
 10 of the grounds for the disciplinary action.
 11 BE IT FURTHER RESOLVED, That it is the intent of
 12 the general assembly that the legislative council
 13 adopt a resolution similar to this resolution which
 14 provides for the compensation and benefits of all
 15 legislative central staff agency employees for the
 16 seventy-third general assembly. The resolution shall
 17 be adopted as soon as practicable after the first
 18 meeting of the legislative council during the 1989
 19 session.
 20 BE IT FURTHER RESOLVED, That the compensation of
 21 chaplains officiating at the opening of the daily
 22 sessions of the house of representatives and the
 23 senate of the ~~seventy-second~~ seventy-third general
 24 assembly be fixed at ten dollars for each house of the
 25 general assembly, and that mileage for chaplains be
 26 fixed at the rate of twenty-one cents per mile to and
 27 from the State Capitol.

1 SENATE CONCURRENT RESOLUTION 4

2 By: Hultman and Drake

3

4 (COMPANION TO LSB 1895H

5

By: Harbor)

6

7 A Concurrent Resolution relating to the federal feed
 8 grain buy-down program.
 9 WHEREAS, in 1988 Iowa and virtually all agricul-
 10 tural producing states experienced the second most
 11 devastating drought in our nation's history; and
 12 WHEREAS, in most of the devastated area the drought

13 continues with no indication of abating and many water
 14 wells in the public and private sectors are becoming
 15 dry; and

16 WHEREAS, feed grain production was significantly
 17 reduced by the United States department of agricul-
 18 ture's 1988 programs, and because of the drought our
 19 nation consumed more than it produced in 1988; and

20 WHEREAS, the federal commodity credit corporation
 21 has, at the direction of the United States secretary
 22 of agriculture, initiated a buy-down program of its
 23 feed grain; and

24 WHEREAS, crop growing conditions in a continuing
 25 drought could cause an inability to meet feed grain
 26 requirements for the production of livestock, poultry,
 27 and dairy products; NOW THEREFORE,

28 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 29 That the United States department of agriculture is
 30 requested to slow down or suspend the feed grain buy-

Page 2

1 down program for on-the-farm and commercial storage
 2 until such time as the weather is no longer a
 3 deterrent to 1989 feed grain crops; and

4 BE IT FURTHER RESOLVED, That a copy of this reso-
 5 lution be transmitted by the secretary of the senate
 6 to the United States secretary of agriculture and to
 7 all members of Iowa's congressional delegation.

1 SENATE CONCURRENT RESOLUTION 6

2 By: Hutchins and Hultman

3 A Concurrent Resolution relating to the revenue esti-
 4 mating conference and its meetings.

5 WHEREAS, the revenue estimating conference was
 6 established to provide an objective, current estimate
 7 of state revenues for use by the general assembly and
 8 the governor in the budget process; and

9 WHEREAS, the revenue estimating conference, when
 10 meeting on December 7, 1988, estimated revenue growth
 11 for fiscal year 1988-1989 of 6.8 percent; and

12 WHEREAS, through the end of January revenue has
 13 grown by 11.6 percent for the fiscal year and January
 14 receipts were 17.5 percent greater than for January of
 15 the previous year; and

16 WHEREAS, an accurate projection of expected
 17 revenues is critical for budget decision making; and

18 WHEREAS, the revenue estimating conference is not
 19 scheduled to meet again until April 5, 1989, and any
 20 changes made in revenue estimates at that time would

21 give the general assembly little opportunity to review
 22 and revise its budget decisions; and
 23 WHEREAS, the revenue estimating conference may meet
 24 as often as deemed necessary; NOW THEREFORE,
 25 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 26 That the general assembly calls upon the members of
 27 the revenue estimating conference to convene a meeting
 28 at a date after the February receipts for the state
 29 have been determined and by March 17, 1989, in lieu of
 30 their scheduled April 5, 1989, meeting to make the

Page 2

1 final revision of their estimate for revenues for the
 2 fiscal year 1988-1989 to be used by the 73rd General
 3 Assembly.

1 SENATE CONCURRENT RESOLUTION 7
 2 By: Committee on Transportation
 3 A Concurrent Resolution urging the national economic
 4 commission to reject proposals to increase the
 5 federal motor fuel tax and to find other, more equi-
 6 table and less damaging ways of reducing the federal
 7 budget deficit.
 8 WHEREAS, the national economic commission is
 9 currently considering proposals to reduce the federal
 10 budget deficit; and
 11 WHEREAS, some members of Congress have proposed
 12 that the federal tax on motor fuels be raised
 13 substantially for that purpose; and
 14 WHEREAS, a federal motor fuel tax increase large
 15 enough to provide more than a token decrease in the
 16 deficit would shrink the tax base for the states by
 17 reducing gasoline use; and
 18 WHEREAS, the states rely heavily on motor fuel
 19 taxes for highway and bridge construction and
 20 maintenance and for other highway needs; and
 21 WHEREAS, thirty-nine state governments have stated
 22 that an increased federal motor fuel tax would hurt
 23 their highway programs; and
 24 WHEREAS, such a reduction in the states' tax base
 25 would add pressure for further increases in state
 26 motor fuel taxes to compensate for the reduced tax
 27 base; and
 28 WHEREAS, such increased taxes at both the federal
 29 and state levels would seriously affect travel and
 30 tourism within and among the states further eroding

Page 2

1 state and local government revenues; and
2 WHEREAS, motor fuel tax increases
3 disproportionately affect the poor and consumers in
4 larger states where travel distances are greater; and
5 WHEREAS, the federal government has already coerced
6 the states into accepting the twenty-one year old
7 minimum drinking age and federally mandated maximum
8 speed limits through threats of reducing federal
9 highway funds; and
10 WHEREAS, the people of Iowa overwhelmingly
11 disapprove of this type of blackmail from the members
12 of Congress; and
13 WHEREAS, the diversion of the federal motor fuel
14 tax revenues for deficit reduction would place an
15 unfair burden on vehicle users for solving a national
16 problem; and
17 WHEREAS, such a diversion strikes at the heart of
18 the federal highway user-fee concept that has served
19 the nation so well in financing necessary highway-
20 related programs; NOW THEREFORE,
21 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
22 That the general assembly of the state of Iowa
23 strongly urges the national economic commission to
24 reject proposals to increase the federal motor fuel
25 tax and to find other, more equitable and less
26 damaging ways of reducing the federal budget deficit;
27 and
28 BE IT FURTHER RESOLVED, That the secretary of the
29 senate transmit copies of this resolution to the
30 national economic commission and to the members of

Page 3

1 Iowa's congressional delegation.

1 SENATE CONCURRENT RESOLUTION 8
2 By: Gronstal
3 A Concurrent Resolution urging the Congress to address
4 the adverse effects of the federal Social Security
5 program which discriminates against certain persons
6 due to their birth dates.
7 WHEREAS, the United States Congress in 1977 created
8 what is known as the Social Security "NOTCH"; and
9 WHEREAS, the "NOTCH" arbitrarily reduced benefits
10 to recipients born between 1917 and 1921; and
11 WHEREAS, the "NOTCH" did not adversely affect
12 recipients born prior to 1917; and

13 WHEREAS, the "NOTCH" does not adversely affect
 14 recipients born after 1921; and
 15 WHEREAS, the "NOTCH" was created to balance the
 16 Social Security System; and
 17 WHEREAS, the "NOTCH" is arbitrary and without
 18 justification and discriminates against the class of
 19 recipients born in 1917 through 1921; and
 20 WHEREAS, this discrimination has severely and
 21 adversely affected the lives of many Social Security
 22 recipients who had relied upon the prior level of
 23 benefits; NOW THEREFORE,
 24 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 25 That the Iowa General Assembly requests the United
 26 States Congress to address the adverse effects created
 27 by the "NOTCH"; and
 28 BE IT FURTHER RESOLVED, That the United States
 29 Congress be urged not to arbitrarily discriminate
 30 against a class of recipients, current or future, in

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1 such a fashion which adversely affects the class; and
 2 BE IT FURTHER RESOLVED, That copies of this
 3 resolution be sent by the Secretary of the Senate to
 4 the President of the Senate of the United States, the
 5 Speaker of the United States House of Representatives,
 6 and to all members of the Iowa congressional
 7 delegation.

1 SENATE CONCURRENT RESOLUTION 9

2 By: Lloyd-Jones

3 A Concurrent Resolution relating to the provision of
 4 health care coverage for all Americans who are un-
 5 insured.
 6 WHEREAS, the number of uninsured Americans has
 7 risen from twenty-five million in the late 1970's to
 8 approximately thirty-seven million today, which
 9 includes an estimated three hundred fifty thousand
 10 Iowans; and
 11 WHEREAS, the federal government during the 1980's
 12 has returned responsibility to the states for many
 13 services previously financed at least in part with
 14 federal moneys; and
 15 WHEREAS, the provision of basic health care
 16 services by the states has become an increasing
 17 burden; and
 18 WHEREAS, the United States is the only industrial-
 19 ized nation in the world, along with South Africa, not
 20 providing a national health insurance program; and

21 WHEREAS, the provision of health care coverage
22 should be a right rather than a privilege; NOW
23 THEREFORE,
24 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
25 That the United States congress consider, at the
26 earliest possible date, the legislative health care
27 proposals before it which would adopt as a national
28 policy the provision of national health care for all
29 Americans; and
30 BE IT FURTHER RESOLVED, That a copy of this resolu-

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1 tion be transmitted by the secretary of the senate to
2 the speaker of the United States house of representa-
3 tives, the president of the senate of the United
4 States, and all members of the Iowa congressional
5 delegation.

1 SENATE CONCURRENT RESOLUTION 10

2 By: Gettings, Doyle, Coleman, Fraise, Gronstal,
3 Priebe, Hultman, Jensen, Vande Hoef, Boswell,
4 Palmer, Miller, Soorholtz and Kibbie
5 A Concurrent Resolution relating to federal coal slurry
6 pipeline legislation.

7 WHEREAS, coal slurry pipeline legislation has been
8 introduced in the United States house of
9 representatives; and

10 WHEREAS, coal slurry pipeline legislation will
11 result in the contamination of water at the end of the
12 coal slurry line; and

13 WHEREAS, there will be a derogatory effect on the
14 water resources of Iowa as a result of coal slurry
15 pipeline legislation because water resources will be
16 misused and water aquifers will be lowered; and

17 WHEREAS, the viability of the railroad industry
18 will be affected by the coal slurry pipeline
19 legislation; NOW THEREFORE,

20 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
21 That the Iowa general assembly opposes federal
22 legislation that would promote coal slurry pipelines
23 because of reasons cited in this Resolution; and

24 BE IT FURTHER RESOLVED, That a copy of this
25 Resolution be forwarded to the members of the Iowa
26 congressional delegation.

1 SENATE CONCURRENT RESOLUTION 11

2 By: Szymoniak

3 A Concurrent Resolution relating to the recognition of American
4 sign language as an appropriate school course offering
5 and requiring a study of the inclusion of American
6 sign language in the public school curricula by the
7 department of education.

8 WHEREAS, it is recognized that an English form of
9 sign language is taught to deaf children in Iowa
10 public schools; and

11 WHEREAS, American sign language is a linguistically
12 separate language from English, with its own grammar
13 and syntax; and

14 WHEREAS, American sign language is the fourth most
15 used language in the United States and is the native
16 language of many adult deaf persons in the United
17 States and Iowa; and

18 WHEREAS, recognition of American sign language as a
19 course offering would promote communication and
20 understanding between the hearing and hearing-impaired
21 segments of society; and

22 WHEREAS, the development of curriculum and criteria
23 for credit for American sign language for use in the
24 public schools and the state's higher education
25 institutions will encourage cultural and social
26 integration of the hearing and hearing-impaired
27 portions of society and provide all students with a
28 better understanding of the language and culture of
29 the hearing impaired; NOW THEREFORE,

30 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,

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1 That the department of education, in cooperation with
2 the board of educational examiners, and the deaf
3 services division of the department of human rights,
4 conduct a study of American sign language to determine
5 what certification, courses, credit recognition, and
6 other educational developments need to be established
7 or in place so that American sign language may be
8 taught in the public schools. The department shall
9 form a committee to conduct the study and develop
10 recommendations to be submitted in a report to the
11 general assembly which convenes in January of 1990.
12 Staffing for the committee shall be provided jointly
13 by the department of education and the deaf services
14 division of the department of human rights.

1 SENATE CONCURRENT RESOLUTION 16

2 By: Kinley

3 A Concurrent Resolution to urge and petition the United
4 States Department of Defense to establish an
5 all-services museum located at Fort Des Moines, Iowa.
6 WHEREAS, buildings 68 and 70 at Fort Des Moines,
7 Iowa are scheduled to be nonoperational due to an Act
8 of Congress that will close a number of nonessential
9 military bases nationwide; and

10 WHEREAS, the Fort Des Moines buildings and grounds
11 are on the National Register for Historic
12 Preservation; and

13 WHEREAS, officials at the Fort Des Moines Military
14 Museum are interested in establishing a museum
15 dedicated to all branches of the service in the two
16 vacant buildings at Fort Des Moines; and

17 WHEREAS, the Fort Des Moines Military Museum is
18 registered with the State of Iowa and the Internal
19 Revenue Service as a cultural nonprofit institution;
20 and

21 WHEREAS, the goal of preserving the military
22 history and heritage is laudable and supported
23 strongly by numerous veterans organizations; and

24 WHEREAS, preservation of buildings 68 and 70 as an
25 all-services museum will ensure the preservation of
26 the history of the Fort Des Moines Army Post from
27 1903, the year dedicated, to the present date, will
28 represent all branches of military service, will honor
29 all men and women who have made military history, will
30 allow for the displaying of articles relating to all-

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1 service organizations, will allow for the displaying
2 of artifacts and exhibits, and for the dramatizing of
3 events related to Fort Des Moines and other military
4 organizations, and will be a valuable tool that could
5 be used in the educational system; NOW THEREFORE,

6 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
7 That the General Assembly hereby petitions the United
8 States Department of Defense to take the necessary
9 steps through grant or long-term lease to ensure that
10 buildings 68 and 70 and adjacent land at Fort Des
11 Moines, Iowa are made available for the establishment
12 of an all-services museum.

13 BE IT FURTHER RESOLVED, That copies of this
14 resolution be submitted to the United States
15 Department of Defense and to Iowa's congressional
16 delegation.

1 SENATE CONCURRENT RESOLUTION 18

2 By: Committee on Agriculture

3 A Concurrent Resolution to petition the Governor of

4 the state of Iowa to issue a proclamation of a

5 disaster emergency due to drought conditions

6 affecting water resources of the state.

7 WHEREAS, the state is in the midst of a prolonged

8 and severe drought, presenting crisis conditions in

9 many counties and communities; and

10 WHEREAS, these crisis conditions threaten the

11 economic viability of areas in the state suffering

12 hardship due to the lack of water required to grow

13 crops and sustain livestock, and threaten the welfare

14 of the state's citizenry forced to endure austere

15 living conditions, including the transportation and

16 rationing of water; and

17 WHEREAS, the continuation of the drought will

18 seriously damage the future economy of the state and

19 threaten the welfare of Iowa's citizens; and

20 WHEREAS, emergency action is now required by the

21 state, and by departments acting in cooperation,

22 including the Department of Natural Resources, the

23 Department of Agriculture and Land Stewardship, the

24 Department of Public Defense, and the Iowa Department

25 of Public Health, to assist individuals, communities,

26 and counties in overcoming crisis conditions imposed

27 by the drought; NOW THEREFORE,

28 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,

29 That the General Assembly hereby petitions the

30 Governor to issue a proclamation of a disaster

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1 emergency due to the drought which has severely

2 affected water resources in counties of this state;

3 and

4 BE IT FURTHER RESOLVED, That the Secretary of the

5 Senate submit this resolution to the Governor, the

6 Director of the Department of Natural Resources, the

7 Secretary of Agriculture, and the Director of Public

8 Health.

1 SENATE CONCURRENT RESOLUTION 19

2 By: Committee on Agriculture

3 A Concurrent Resolution to urge and petition the

4 United States Department of Agriculture to make

5 lands which are under the conservation reserve

6 program eligible for grazing by livestock.

7 WHEREAS, the state of Iowa, one of the major
8 agricultural states in the United States, is a leading
9 producer of livestock and livestock products which
10 represents a five billion dollar industry; and
11 WHEREAS, the economic viability and welfare of this
12 nation is contingent upon food and materials
13 efficiently produced by farmers and ranchers receiving
14 a fair market price for their goods; and
15 WHEREAS, the conservation reserve program provided
16 under Title XII of the federal Food Security Act of
17 1985, Pub. L. No. 99-198, authorizes the United States
18 Secretary of Agriculture to enter into contracts and
19 make payments to eligible owners and operators of
20 eligible crop land to assist them in conserving and
21 improving the soil and water resources of their farms
22 and ranches by converting crop land to land with
23 permanent vegetation cover; and
24 WHEREAS, farmers and ranchers in this state, like
25 those in many states, have consciously entered into
26 contracts with the United States Secretary of
27 Agriculture to set aside highly erodable land in order
28 to conserve soil and water resources; and
29 WHEREAS, Iowa, like other agricultural states, has
30 suffered from a prolonged and severe drought with

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1 above normal temperatures, threatening the economic
2 viability of areas suffering hardship due to the lack
3 of water required to sustain livestock; and
4 WHEREAS, the United States Department of
5 Agriculture's policy prohibiting the grazing of
6 livestock on land subject to contract under the
7 conservation reserve program, will force the wide
8 scale depletion of livestock herds, resulting in
9 depressed commodity markets, unnecessary economic
10 hardship on producers, and the premature slaughter of
11 livestock; NOW THEREFORE,
12 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
13 That the General Assembly of the state of Iowa hereby
14 petitions the Congress of the United States, the
15 President of the United States, and the United States
16 Secretary of Agriculture to take all necessary actions
17 to ensure that livestock immediately be allowed to
18 graze on land subject to contract under the
19 conservation reserve program; and
20 BE IT FURTHER RESOLVED, That copies of this
21 resolution be submitted to the President of the United
22 States, the United States Secretary of Agriculture,
23 and the members of Iowa's congressional delegation.

1 SENATE CONCURRENT RESOLUTION 20
2 By: Committee on Agriculture
3 A Concurrent Resolution to urge and petition the con-
4 gress of the United States, the president of the
5 United States, the secretary of agriculture, the
6 United States department of agriculture, including
7 the animal and plant health inspection service of
8 the United States department of agriculture, to re-
9 consider adoption of rule changes amending 9 C.F.R.
10 pt. 92 relating to precautions against infection
11 of native swine herds from foreign transmission of
12 disease.
13 WHEREAS, the state of Iowa has been the leading
14 producer of swine in the country, producing twenty-
15 three million four hundred thousand swine in 1988,
16 accounting for two billion five hundred million
17 dollars in the state's economy; and
18 WHEREAS, pork producers in Iowa and in the nation
19 have invested tremendous capital and effort to ensure
20 the health and productivity of swine herds and to
21 ensure the quality of pork products; and
22 WHEREAS, the world is demanding pork products from
23 the United States, due in measure to the freedom of
24 this nation's swine populations from major
25 debilitating animal diseases, including hog cholera,
26 African swine fever rinderpest, foot and mouth
27 disease, swine vesicular disease, and Japanese B
28 encephalitis, which have been eradicated from the
29 United States through tremendous cost and effort; and
30 WHEREAS, pork producers have encouraged innovative

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1 approaches to improve the production of pork products,
2 including the importation of swine from the Peoples
3 Republic of China, provided that proper procedures are
4 required as precautions against transmission of
5 foreign diseases to native swine populations; and
6 WHEREAS, the United States department of
7 agriculture is proposing to amend federal regulations
8 contained in 9 C.F.R. pt. 92, as published in the
9 Federal Register on March 28, 1989, by permitting the
10 importation of porcine semen from the Peoples Republic
11 of China without adequate precautionary procedures to
12 ensure against the occurrence of an outbreak of
13 debilitating diseases common to Chinese hogs which
14 would result in devastating effects upon the welfare
15 and economy of Iowa and the nation; NOW THEREFORE,
16 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,

17 That the United States department of agriculture
18 reconsider and amend the proposed rule changes to 9
19 C.F.R. pt. 92 in order to ensure the safety of native
20 swine populations from the transmission of diseases
21 caused from inadequate precautionary procedures
22 against infection by imported porcine semen.
23 BE IT FURTHER RESOLVED, That copies of this
24 resolution be submitted by the secretary of the senate
25 to the president of the United States, the secretary
26 of the United States department of agriculture, the
27 administrator of the animal and plant health
28 inspection service of the United States department of
29 agriculture, and to the members of Iowa's
30 congressional delegation.

1 SENATE CONCURRENT RESOLUTION 21

2 By: Rensink

3 A Concurrent Resolution to petition the United
4 States government to require that meat products produced
5 outside the United States be labeled as foreign produced.

6 WHEREAS, the state of Iowa is one of the major
7 agricultural states in the United States, and is a
8 leading producer of livestock and livestock products;
9 and

10 WHEREAS, Iowa and the United States have earned a
11 reputation for raising the livestock and producing
12 meats of the highest quality; and

13 WHEREAS, there is a worldwide demand for meat
14 products produced in the United States which
15 significantly contributes to the vitality of this
16 nation's economy; and

17 WHEREAS, competition from other nations, including
18 Australia, Argentina, and Canada, which raise
19 livestock and produce meat products, unfairly
20 threatens the reputation of United States meat
21 products since consumers cannot determine the origin
22 of the meat products; NOW THEREFORE,

23 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
24 That the federal government require any meat product
25 originating from a foreign country, including
26 Australia, Argentina, and Canada, to be labeled to
27 identify the meat product as not being produced in the
28 United States.

29 BE IT FURTHER RESOLVED, That copies of this
30 resolution be submitted by the Secretary of the Senate

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- 1 to the President of the United States, the United
- 2 States Secretary of Agriculture, the Commissioner of
- 3 the United States Food and Drug Administration, and
- 4 Iowa's congressional delegation.

1 SENATE CONCURRENT RESOLUTION 23

2 By: Deluhery, Gettings, Hannon, Running,
3 Horn, Pate and Lloyd-Jones

- 4 A Concurrent Resolution to urge and petition the Post-
- 5 master General of the United States to issue a first-
- 6 class commemorative postage stamp in honor of the
- 7 Grant Wood centennial.
- 8 WHEREAS, February 13, 1991, will mark the one hun-
- 9 dredth anniversary of the birth of Grant Wood, one of
- 10 the foremost American artists in our history; and
- 11 WHEREAS, this native Iowan, who lived and worked in
- 12 his own state and immortalized the landscape and the
- 13 people of the American midwest, rose from early
- 14 poverty to international renown; and
- 15 WHEREAS, such paintings as "Spring Turning,"
- 16 "Dinner for Threshers," "The Midnight Ride of Paul
- 17 Revere," "Fall Plowing," and "Arbor Day," to name only
- 18 a few, have contributed immeasurably to our national
- 19 culture; and
- 20 WHEREAS, the masterpiece, "American Gothic," has
- 21 become an American icon and the best known and beloved
- 22 American painting of the twentieth century; and
- 23 WHEREAS, Grant Wood made further contributions to
- 24 our cultural heritage as a nationally known lecturer,
- 25 a university professor, and a leader in indigenous
- 26 American art; NOW THEREFORE,
- 27 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
- 28 That the General Assembly pledges its full support to
- 29 the issuance of a first-class commemorative postage
- 30 stamp in honor of the Grant Wood centennial and that

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- 1 this resolution be respectfully submitted to the
- 2 Honorable Anthony M. Frank, Postmaster General of the
- 3 United States, and the National Citizens' Stamp
- 4 Advisory Committee.

1 SENATE CONCURRENT RESOLUTION 24

2 By: Committee on Agriculture

- 3 A Concurrent Resolution to petition the United

4 States government to require that meat products produced
5 outside the United States be labeled as foreign produced.

6 WHEREAS, the state of Iowa is one of the major
7 agricultural states in the United States, and is a
8 leading producer of livestock and livestock products;
9 and

10 WHEREAS, Iowa and the United States have earned a
11 reputation for raising the livestock and producing
12 meats of the highest quality; and

13 WHEREAS, there is a worldwide demand for meat
14 products produced in the United States which
15 significantly contributes to the vitality of this
16 nation's economy; and

17 WHEREAS, competition from other nations, including
18 Australia, Argentina, and Canada, which raise
19 livestock and produce meat products, unfairly
20 threatens the reputation of United States meat
21 products since consumers cannot determine the origin
22 of the meat products; NOW THEREFORE,

23 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
24 That the federal government require any meat product
25 originating from a foreign country, including
26 Australia, Argentina, and Canada, to be labeled to
27 identify the meat product as not being produced in the
28 United States.

29 BE IT FURTHER RESOLVED, That copies of this
30 resolution be submitted by the Secretary of the Senate

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1 to the President of the United States, the United
2 States Secretary of Agriculture, the Commissioner of
3 the United States Food and Drug Administration, and
4 Iowa's congressional delegation.

1 SENATE CONCURRENT RESOLUTION 28

2 By: Vande Hoef

3 A Concurrent Resolution requesting the United States Congress
4 to raise the permissible income level for eligibility for
5 federal Farmers Home Administration loans and to expand the
6 residential mortgage program to include guarantees for
7 qualifying mortgage loans originated by local lending
8 institutions.

9 WHEREAS, the current formula for determining the
10 level of family income qualifying for a Farmers Home
11 Administration home loan mortgage was established in
12 1983; and

13 WHEREAS, that formula provides that a qualifying
14 income is an income less than or equal to the county's

15 median household income, which was modified in 1985,
 16 to permit a county to use the higher of the county's
 17 median household income or the statewide,
 18 nonmetropolitan median household income; and
 19 WHEREAS, the involvement of local banks and savings
 20 and loan associations in the issuance and
 21 administration of Farmers Home Administration home
 22 mortgage loans would increase the access to such
 23 loans; and
 24 WHEREAS, the Farmers Home Administration could
 25 guarantee such private market mortgage loans, rather
 26 than make such loans directly, and by leveraging
 27 private market loan moneys make more low-cost mortgage
 28 dollars available with the expenditure of fewer
 29 federal dollars; and
 30 WHEREAS, private home ownership has consistently

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1 been the public policy and a desirable social
 2 objective of the United States; NOW THEREFORE,
 3 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 4 That the United States Congress be asked through
 5 Iowa's congressional delegation to increase the
 6 permissible income level for eligibility for federal
 7 Farmers Home Administration residential mortgages and
 8 to expand the program to offer mortgage loan
 9 guarantees for qualifying loans originated by local
 10 lending institutions.
 11 BE IT FURTHER RESOLVED, That copies of this
 12 resolution be sent by the Secretary of the Senate to
 13 the President of the United States Senate, the Speaker
 14 of the United States House of Representatives, and the
 15 members of Iowa's congressional delegation.

1 SENATE CONCURRENT RESOLUTION 33
 2 By: Gentleman, Szymoniak, Palmer, Kinley, and Mann
 3 A Concurrent Resolution to urge the State Department of Trans-
 4 portation to continue studying the advisability of expand-
 5 ing the number of lanes of Interstate 235 in Polk County.
 6 WHEREAS, the State Department of Transportation has
 7 publicly announced plans to reconstruct and redesign a
 8 major portion of Interstate 235 in Polk County in
 9 order to widen it to include additional lanes; and
 10 WHEREAS, in order to preserve neighborhoods and
 11 protect the quality of life cherished in the city of
 12 Des Moines and Polk County, and in order to reduce
 13 fuel consumption and reduce the associated pollution,
 14 alternatives to expanding Interstate 235 should be

15 considered; NOW THEREFORE,
16 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
17 That the General Assembly urge the State Department of
18 Transportation to consider alternatives to expanding
19 Interstate 235 to include additional lanes.

1 SENATE CONCURRENT RESOLUTION 34

2 By: Committee on Rules and Administration

3 A Concurrent Resolution referring all resolutions and
4 proposals requesting the establishment of legislative
5 studies to the Legislative Council.

6 WHEREAS, many resolutions have been introduced in
7 both the Senate and House of Representatives
8 requesting the establishment of interim legislative
9 studies; and

10 WHEREAS, the staff, time, and funds available to
11 the General Assembly are limited, making it
12 impractical to approve all proposed studies; and

13 WHEREAS, it is necessary for the Legislative
14 Council to establish priorities for the use of the
15 General Assembly's resources during the legislative
16 interim; NOW THEREFORE,

17 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
18 That all resolutions requesting interim studies which
19 have been introduced in either the Senate or the House
20 of Representatives be delivered to the Legislative
21 Council and the Studies Committee.

22 BE IT FURTHER RESOLVED, That legislators, desiring
23 to propose an interim study not contained in a
24 resolution introduced in either the Senate or the
25 House of Representatives, may submit a letter
26 describing the study proposal to the Legislative
27 Council and the Studies Committee.

28 BE IT FURTHER RESOLVED, That the Legislative
29 Council shall determine the relative priorities of the
30 study resolutions and proposals and authorize such

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1 studies as may be feasible within the limits of the
2 staff, time, and funds available.

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Alcoholic Beverages Commission:

Poe, Joan B.—353, 380, 412, 530, 847

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Architectural Examiners, Board of:

Dikis, William M.—899, 933, 979, 1119, 1277, 1278-1279

Roberts, Ruth M.—899, 933, 979, 1219, 1379-1380

Banking, Superintendent of:

Rigler, Robert R.—906, 931, 951, 1195, 1237, 1443

Barber Examiners, Board of:

Maiers, Al C.—899, 933, 979, 1119, 1277, 1278-1279

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Wellman, John C.—900, 932, 968, 1118, 1276, 1278-1279

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Rush, Robert R.—900, 933, 979, 1238, 1378-1380

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Hawkins, Almo J.—352, 379, 405, 469, 847

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Lundahl, Carl H.—900, 934, 979, 1119, 1277, 1278-1279

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Collins, James H.—902, 932, 952, 1028, 1276, 1278, 1279

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County Finance Committee:

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 Pedersen, Anne M.—901, 935, 978, 1255, 1378-1380

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Forney, James E. (Superintendent)—355, 379, 404, 491, 846-847
 Benit, Marcia J.—901, 931, 951, 982, 1275, 1278-1279
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 Westendorf, William—901, 933, 952, 1028, 1276, 1278-1279

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Groves, Linda—900, 932, 968, 1237, 1379-1380
 Hampton, Shirley A.—900, 932, 969, 1119, 1442
 Rapp, Kathy A.—350, 379, 405, 608, 847

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 Prah, Jerry C.—901, 934, 979, 1119, 1277, 1278-1279
 Raecker, James A.—901, 934, 979, 1277, 1278-1279

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- Dorr, Ann L.—905, 932, 969, 1119, 1275, 1278-1279
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- Anderson, Beverly A.—902, 934, 980, 1219, 1277, 1278-1279
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- Amendments filed—143, 775, 843, 1121, 1263
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- Referred to—136, 274, 637, 778, 1009, 1958, 1991
- Subcommittee assignments—45, 102, 103, 104, 118, 243, 244, 245, 296, 371, 382, 595, 605, 643, 653, 654, 655, 681, 797, 798, 820, 951, 1046, 1077, 1091, 1303, 1946, 2102
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- Appointed and appointments to—22
- Appointees, investigating of—932
- Bills introduced—50, 410, 416, 471, 671, 777, 791, 833, 871
- Amendments filed—569, 881, 1263, 1757
- Referred to—916, 1718, 1897, 2095
- Resolutions offered—1591
- Subcommittee assignments—45, 83, 94, 102, 152, 153, 166, 186, 195, 196, 216, 227, 244, 343, 381, 406, 407, 423, 463, 477, 503, 531, 603, 643, 655, 696, 763, 768, 770, 977, 978, 1046, 1091, 1161, 1194, 1195, 1499, 1582, 1739, 1826
- Subcommittee assignments, governor's appointments—968

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- Resolutions offered—267
- Resolutions relating to:
 - Senate Resolution 3 - S.J. 267, 270, 298, 304, 305 as amended, adopted
- Subcommittee assignments—243

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FRAISE, EUGENE—Senator Thirty-first District

Bills introduced—211, 247, 274, 322, 392, 416

Amendments filed—480, 572, 575, 715, 716, 735, 994, 1066, 1079, 1084, 1149,

- 1162, 1263, 1304, 1305, 1362, 1376, 1385, 1386, 1399, 1559, 1565, 1639, 1660, 1661, 1694, 1840, 1842, 1852, 1879, 2010, 2106
- Amendments offered—519, 572, 779, 1376, 1559, 1661, 1814, 1840, 1881
- Amendments withdrawn—1083, 1375, 1842
- Called up appointees on Individual Confirmation Calendar—1450
- Committee appointments—21, 26, 50, 2005, 2051
- Escorted Governor Branstad to the Speaker's station—51
- Escorted the Chief Justice and the Justices of the Supreme Court and the Chief Judge and the Judges of the Court of Appeals into the House Chamber—50
- Petitions presented—531, 640, 1781
- Resolutions offered—639
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- Subcommittee assignments—83, 102, 117, 118, 166, 167, 185, 202, 227, 243, 257, 286, 296, 297, 343, 371, 423, 478, 504, 511, 558, 559, 604, 605, 622, 653, 654, 655, 696, 697, 741, 763, 798, 821, 910, 949, 950, 1045, 1046, 1075, 1076, 1077, 1120, 1121, 1147, 1161, 1180, 1194, 1195, 1225, 1255, 1304, 1463, 1606, 1719, 1739, 1782, 1894
- Subcommittee assignments, governor's appointments—406, 412, 413, 967, 978, 979, 980, 981

FUHRMAN, LINN—Senator Fifth District, Assistant Minority Leader

- Bills introduced—198, 322, 325, 386, 445, 591, 598, 714
- Amendments filed—171, 174, 559, 704, 716, 830, 881, 913, 914, 1030, 1051, 1079, 1103, 1149, 1245, 1304, 1385, 1417, 1501, 1524, 1548, 1559, 1565, 1566, 1693, 1695, 1700, 1762, 1766, 1846, 1881, 1919
- Amendments offered—171, 174, 888, 1042, 1085, 1156, 1213, 1490, 1504, 1762, 1766
- Amendments withdrawn—172, 1085, 1473
- Committee appointments—7, 26, 1887, 1961, 1994, 2004
- Presided at sessions of the Senate—1080, 1586
- Reports—7
- Standing committees and subcommittees appointed to—21, 22, 23, 24
- Subcommittee assignments—92, 93, 94, 102, 118, 119, 139, 167, 216, 226, 257, 268, 286, 296, 317, 342, 382, 383, 407, 423, 432, 451, 477, 478, 503, 532, 581, 604, 605, 644, 653, 654, 742, 797, 798, 821, 910, 951, 1028, 1076, 1180, 1181, 1582, 1894
- Subcommittee assignments, governor's appointments—406, 951, 952, 969

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Resolutions relating to:

- Senate Concurrent Resolution 1, distribution of printed legislative materials. S.J. 33, 34-35 adopted, 39 motion to reconsider - 135-136 - H.J. 232, 239, 248, 252-253 as amended adopted - S.J. 144, 217, 220, 259, 274, 275 senate concurred in house amendment - H.J. 335.

- Senate Concurrent Resolution 2, joint rules, Senate and House. S.J. 33, 34, 41, 42 adopted - H.J. 47, 60, 62, 69-85 adopted, 148.
- Senate Concurrent Resolution 3, compensation of chaplains, officers and employees of the seventy-third general assembly. S.J. 78, 79 adopted - 88, 109 - H.J. 93-94, 125-138, 145-147 adopted, motion to reconsider - H.J. 157, motion to reconsider withdrawn.
- Senate Concurrent Resolution 34, refer resolutions and proposals requesting the establishment of legislative studies to Legislative Council. S.J. 2049, 2051-2052 adopted - H.J. 2647, 2804.
- Senate Concurrent Resolution 35, Sunday, May 7, 1989. S.J. 2100, 2101 - HCR 25 substituted - SCR 35 w/d.
- Senate Resolution 1, permanent senate rules. S.J. 33, 34, 42, 48, 43 as amended, adopted.
- Senate Resolution 2, Senate honor Senator Richard F. Drake for twenty years of legislative service. S.J. 257-258, 259-260 adopted.
- Senate Resolution 3, Senate code of ethics. S.J. 267, 270, 298, 304, 305 as amended, adopted.
- Senate Resolution 4, Senate rules governing lobbyists. S.J. 267, 270-271, 305, 320 adopted.
- Senate Resolution 5, gubernatorial appointments requiring senate confirmation. S.J. 370, 375, 391 as amended, adopted.
- Senate Resolution 11, defer action on confirmation of Darlene Blake. S.J. 1459, 1460 adopted.
- Senate Resolution 12, defer action on confirmation of Robert A. Van Vooren. S.J. 1459, 1460 adopted.
- Senate Resolution 20, Senate legislative expenses. S.J. 2029, 2030, 2086, 2100 adopted.
- Senate Resolution 21, honor former Senator Edgar H. Holden, and present his Senate chair in appreciation of his service. S.J. 2030, 2086, 2087 adopted.
- House Concurrent Resolution 1, joint convention, Tuesday, January 10, 1989, 6:30 p.m., Governor Terry E. Branstad deliver his condition of the state message. H.J. 12 adopted - S.J. 33, 35 adopted - H.J. 47.
- House Concurrent Resolution 2, joint convention, Wednesday, January 11, 1989, 10:00 a.m., Chief Justice McGiverin present his message of the condition of the judicial department. H.J. 12-13 adopted - S.J. 33, 35 adopted - H.J. 62.
- House Concurrent Resolution 3, joint session, Wednesday, April 19, 1989, 1:30 p.m., Pioneer Lawmakers present program. H.J. 248, 651-652 adopted - S.J. 672, 684, 953, 1010 adopted - H.J. 1071.
- House Concurrent Resolution 4, biennial memorial session, Wednesday, April 19, 1989, 7:30 p.m. H.J. 248, 652 adopted - S.J. 672, 684, 953-954, 1010 adopted - H.J. 1071.
- House Concurrent Resolution 25, final adjournment Sunday, May 7, 1989. H.J. 2802-2803 adopted.

GENTLEMAN, JULIA B.—Senator Forty-first District

Bills introduced—99, 137, 175, 198, 319, 322, 386, 610, 625, 687, 786

- Amendments filed—318, 339, 429, 484, 494, 533, 562, 574, 575, 716, 724, 758, 913, 914, 935, 942, 955, 1030, 1051, 1138, 1245, 1263, 1501, 1524, 1528, 1529, 1531, 1543, 1559, 1565, 1566, 1623, 1661, 1676, 1677, 1683, 1693, 1695, 1762, 1809, 2009, 2053, 2054
 - Amendments offered—337, 429, 484, 522, 533, 575, 724, 734, 942, 974, 1138, 1528, 1531, 1543, 1634, 1676, 1677, 1762, 2028, 2033, 2053
 - Amendments withdrawn—758, 1138
 - Appointed to Administration Committee—133
 - Appointed to Iowa Legislative Council—132
 - Committee appointments—26, 132, 1887, 1944, 1961, 2005
 - Escorted Mary Louise Smith, Des Moines, 1977 Women's Hall of Fame inductee, in observance of Iowa Women's Hall of Fame—984
 - Presented Eric ("E.J.") Runyan from Des Moines, 1989 Iowa Easter Seal Ambassador—163
 - Resolutions offered—1979
 - Standing committees and subcommittees appointed to—22, 23, 24
 - Subcommittee assignments—71, 93, 94, 95, 102, 103, 119, 139, 152, 153, 165, 166, 167, 186, 195, 196, 197, 216, 226, 243, 286, 297, 342, 371, 372, 381, 382, 407, 422, 423, 451, 464, 503, 510, 511, 531, 532, 558, 595, 603, 604, 643, 653, 655, 682, 696, 697, 768, 769, 797, 798, 820, 821, 860, 949, 950, 1045, 1046, 1077, 1180, 1181, 1194, 1195, 1225, 1226, 1463, 1606, 1719, 1739, 1782
 - Subcommittee assignments, governor's appointments—394, 405, 406, 412, 413, 952, 969, 978, 979, 980, 981
- GETTINGS, DONALD E.—Senator Thirty-third District**
- Bills introduced—148, 198, 211, 247, 548
 - Amendments filed—346, 560, 574, 735, 955, 1051, 1305, 1335, 1399, 1410, 1555, 1558, 1609, 1701, 1919
 - Amendments offered—363, 637, 1055, 1335, 1410, 1555, 1701, 1737
 - Amendments withdrawn—1410
 - Committee appointments—16, 26, 431, 1028, 1800, 1829, 2062
 - Petitions presented—97, 1026, 1302, 1496, 1621
 - Reports—39, 684
 - Resolutions offered—639, 1535
 - Standing committees and subcommittees appointed to—21, 22, 23, 24
 - Subcommittee assignments—70, 71, 103, 139, 186, 196, 197, 243, 257, 317, 381, 382, 406, 407, 422, 477, 531, 681, 695, 697, 763, 910, 1029, 1046, 1077, 1195, 1226, 1463, 1648, 1772, 1946
 - Subcommittee assignments, governor's appointments—395, 951, 981
- GOODWIN, NORMAN J.—Senator Nineteenth District**
- Bills introduced—198, 207, 211, 274, 322, 386
 - Amendments filed—715, 1391, 1405, 1585, 1695
 - Amendments offered—1391
 - Amendments withdrawn—1716
 - Committee appointments—7, 26, 1829
 - Petitions presented—285, 372, 448, 531, 640, 1145
 - Reports—7
 - Standing committees and subcommittees appointed—21, 22, 23, 24

Subcommittee assignments—69, 70, 83, 95, 103, 185, 196, 197, 202, 227, 244,
286, 295, 296, 297, 317, 371, 381, 422, 450, 463, 478, 531, 532, 558, 622,
655, 763, 768, 798, 1028, 1076, 1077, 1147, 1194, 1225, 1255
Subcommittee assignments, governor's appointments—952, 978, 981

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Addressed joint convention—51-59
Bills signed by—449, 650, 741, 860, 1025, 1047-1048, 1091, 1148, 1462, 1584,
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- S.J. 33, 35 adopted - H.J. 47.
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GRONSTAL, MICHAEL E.—Senator Fiftieth District, Majority Floor Whip

Bills introduced—43, 201, 204, 266, 274, 303, 391, 467, 471, 481, 516
Amendments filed—135, 297, 396, 429, 451, 634, 646, 664, 682, 738, 747,
775, 882, 883, 884, 891, 937, 994, 997, 1020, 1051, 1066, 1079, 1149,
1162, 1205, 1245, 1299, 1304, 1305, 1342, 1385, 1405, 1416, 1485, 1486,
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1889, 1913, 1920, 1935, 2010
Amendments offered—135, 439, 573, 634, 664, 738, 747, 882, 883, 884, 890,
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Committee appointments—27, 133, 1687, 1829, 1928
Petitions presented—285, 911, 1145, 1302
Presented Trish Brown, former Miss Southwest Iowa and current Miss
Northwest Iowa—911
Presided at sessions of the Senate—430, 1163
Resolutions offered—577, 639, 1604, 1738
Standing committees and subcommittees appointed to—21, 22, 23
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1161, 1180, 1194, 1195, 1329, 1499, 1648, 1704, 1739, 1772, 1826
Subcommittee assignments, governor's appointments—404, 412, 413, 952,
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HAGERLA, MARK R.—Senator Thirtieth District

Bills introduced—198, 211, 274, 322, 349, 386, 408, 436, 445, 452, 459, 482,
489, 618, 645, 689, 746

Amendments filed—171, 440, 574, 715, 716, 884, 891, 956, 982, 1016, 1030,
1051, 1079, 1140, 1149, 1205, 1245, 1305, 1538, 1554, 1685, 1693, 1827
Amendments offered—171, 440, 884, 891, 894, 1174, 1917
Amendments withdrawn—1140, 1389
Appointed to World Trade Study Committee—134
Committee appointments—27, 61, 134, 1916, 1928, 2004
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Supreme Court, Chief Judge and Judges of the Court of Appeals and
Chief Judges of the eight Iowa Judicial Districts into the House Chamber
for the Condition of the Iowa Judiciary Message—61
Standing committees and subcommittees appointed to—22, 23
Subcommittee assignments—70, 92, 93, 94, 103, 104, 139, 152, 153, 167, 186,
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Subcommittee assignments, governor's appointments—405, 952, 953, 968,
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HANNON, BEVERLY A.—Senator Twenty-second District

Bills introduced—99, 211, 274, 473
Amendments filed—160, 483, 559, 569, 574, 575, 704, 735, 764, 956, 1005,
1103, 1128, 1296, 1385, 1561, 1593, 1727, 1759
Amendments offered—170, 483, 574, 575, 634, 755, 897, 939, 1128, 1296,
1369, 1371, 1561, 1628, 1727, 1759
Amendments withdrawn—575, 998
Appointed to Commission on Children, Youth and Families—133
Called up appointees on Individual Confirmation Calendar—1448
Committee appointments—10, 27, 133, 1726, 1829, 1944
Petitions presented—1145, 1497, 1945
Presided at sessions of the Senate—457
Resolutions offered—1535, 1604, 1736, 1738
Standing committees and subcommittees appointed to—21, 22, 23, 24
Subcommittee assignments—69, 70, 71, 93, 103, 104, 152, 153, 165, 166, 167,
185, 195, 196, 226, 243, 256, 295, 297, 371, 382, 422, 463, 477, 478, 531,
559, 604, 643, 653, 654, 681, 682, 696, 768, 770, 797, 798, 978, 1046,
1076, 1091, 1120, 1303
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HEDGE, H. KAY—Senator Thirty-second District

Bills introduced—198, 211, 322, 386, 496

Amendments filed—716, 882, 883, 1305, 1405, 1410, 1601, 1694
 Amendments offered—1601
 Committee appointments—27, 1028, 1924
 Escorted Beverly Everett, 1983 Iowa Women's Hall of Fame inductee, in observance of Women's History Month—984
 Petitions presented—1145, 1302, 1496
 Standing committees and subcommittees appointed to—21, 22, 24
 Subcommittee assignments—71, 102, 103, 166, 185, 216, 227, 245, 343, 371, 381, 407, 451, 477, 503, 603, 604, 643, 655, 696, 769, 797, 820, 910, 951, 1046, 1077, 1148, 1161, 1180, 1194
 Subcommittee assignments, governor's appointments—967, 968

HESTER, JACK W.—Senator Forty-ninth District

Bills introduced—49, 175, 198, 211, 266, 274, 322, 341, 386, 565
 Amendments filed—574, 715, 881, 994, 1103, 1683, 1685, 1693, 1840, 1841
 Amendments offered—926, 1014, 1107, 1291
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 Committee appointments—10, 27, 133, 134, 1884
 Petitions presented—910, 1145, 1302, 1620
 Standing committees and subcommittees appointed to—21, 22, 23
 Subcommittee assignments—92, 93, 94, 95, 104, 118, 119, 139, 152, 196, 226, 227, 244, 286, 297, 317, 342, 371, 372, 382, 450, 451, 464, 477, 532, 558, 581, 595, 604, 642, 643, 653, 654, 655, 656, 681, 742, 798, 820, 821, 910, 949, 950, 951, 977, 978, 1046, 1075, 1076, 1077, 1180, 1195, 1225, 1226, 1606, 1719, 1946
 Subcommittee assignments, governor's appointments—406, 952, 969

HORN, WALLY E.—Senator Twenty-fifth District, Assistant Majority Leader

Bills introduced—211, 639, 761
 Amendments filed—156, 272, 359, 532, 562, 574, 716, 736, 881, 913, 937, 994, 1030, 1036, 1079, 1165, 1245, 1263, 1305, 1362, 1405, 1524, 1609, 1765, 1766, 1767, 1788, 1913, 1919
 Amendments offered—172, 547, 736, 1173, 1346, 1358, 1409, 1731
 Amendments withdrawn—1165, 1176
 Called up appointees on En Bloc Confirmation Calendar—1441-1442, 1455
 Committee appointments—27, 1274, 1812
 Escorted Gwendolyn Wilson Fowler, 1987 Hall of Fame inductee—1082
 Petitions presented—1302
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 Resolutions offered—1535, 1604, 1659
 Standing committees and subcommittees appointed to—21, 22, 23, 24
 Subcommittee assignments—45, 70, 93, 94, 95, 102, 103, 104, 118, 119, 139, 153, 165, 166, 167, 216, 243, 244, 268, 285, 286, 296, 371, 372, 381, 382, 423, 451, 464, 510, 532, 559, 595, 602, 604, 605, 643, 654, 655, 695, 696, 769, 796, 797, 798, 821, 949, 950, 1028, 1045, 1046, 1077, 1091, 1195, 1303, 1463, 1499, 1946
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House File 789, S-4182—2106
House File 799, S-4192—2106

HULTMAN, CALVIN O.—Senator Forty-seventh District, Minority Leader

Addressed the Senate—5-6

Bills introduced—49, 75, 98, 99, 159, 198, 211, 266, 322, 386, 467, 598, 1073,
1191, 1403, 1404, 1429, 1495, 1887, 1922, 2049

Amendments filed—156, 366, 375, 391, 573, 583, 588, 626, 716, 724, 735,
748, 760, 775, 782, 803, 881, 913, 935, 959, 994, 1030, 1036, 1162, 1304,
1305, 1319, 1322, 1385, 1485, 1538, 1562, 1617, 1618, 1623, 1660, 1695,
1727, 1742, 1765, 1766, 1786, 1809, 1842, 1853, 1881, 1892, 1913, 1919,
1930, 1973, 2040, 2043

- Amendments offered—123, 172, 366, 391, 573, 588, 735, 748, 760, 782, 959, 1036, 1319, 1322, 1410, 1471, 1555, 1562, 1617, 1693, 1695, 1727, 1765, 1786, 1789, 1819, 1866, 1881, 1892, 1973, 2066, 2070
- Amendments withdrawn—574, 735, 766, 1555, 1842, 2043
- Appointed to Iowa Legislative Council—132
- Appointed to Service Committee—133
- Appointed to Studies Committee—133
- Appointments to statutory commissions, committees, councils and advisory boards—21-31
- Committee appointments—27, 132, 133, 431, 1028, 1274, 1928, 2036, 2115
- Escorted Jolly Ann Davidson, Clarinda, 1987 Iowa Women's Hall of Fame inductee, in observance of Women's History Month—984
- Presented Marcy Requist of Red Oak, Miss Iowa 1989, who will be competing in the Miss America Pageant in Mobile, Alabama—76
- Presented Beatrice Leong, an exchange student from Malaysia, attending Clarinda High School—1254
- Presented Claudia Auer from West Germany, exchange student residing with Senator and Mrs. Rensink, and attending Sioux Center High School, she was accompanied by her parents, Anton and Dorothea Auer—1302
- Presented the Senate Pages with certificates of excellence for serving with honor and distinction as a Senate Page during the 1989 Regular Session—1967
- Presided at sessions of the Senate—2038
- Resolutions offered—198, 424, 639, 665, 909
- Standing committees and subcommittees appointed to—21, 22, 23
- Subcommittee assignments—103, 118, 139, 226, 257, 286, 342, 382, 406, 407, 503, 654, 655, 681, 695, 696, 797, 950, 977, 1045, 1046, 1077, 1148, 1255, 1303, 1463, 1592, 1637, 1638, 1772, 1808, 1909
- Subcommittee assignments, governor's appointments—951, 969

HUMAN RESOURCES, COMMITTEE ON—

- Appointed and appointments to—22
- Appointees, investigation of—379, 405-406, 932
- Bills introduced—122, 178, 179, 206, 230, 235, 392, 396, 715, 776, 809, 810, 814, 832, 870
- Amendments filed—309, 472, 804, 830, 1103, 1245
- Investigating committee reports—542, 608, 1118-1119, 1237
- Referred to—236, 778, 1002, 1124, 2095
- Subcommittee assignments—69, 70, 71, 93, 102, 103, 104, 105, 152, 153, 166, 167, 195, 196, 226, 256, 296, 297, 381, 382, 407, 462, 463, 531, 532, 595, 602, 604, 643, 682, 696, 697, 728, 769, 770, 798, 1076, 1091, 1181, 1194, 1303
- Subcommittee assignments, governor's appointments—968-969

HUSAK, EMIL J.—Senator Thirty-eighth District, Assistant Majority Leader

- Bills introduced—89, 138, 143, 211, 247, 291, 302, 322, 349, 639, 812
- Amendments filed—135, 715, 732, 733, 735, 765, 882, 883, 884, 914, 935, 1079, 1103, 1263, 1405, 1502, 1558, 1742, 1846, 1976

Amendments offered—724, 733, 883, 884, 1282, 1558, 1628, 1751, 1834
 Appointed to Fiscal Committee—133
 Appointed to Iowa Legislative Council—132
 Appointed to Studies Committee—133
 Committee appointments—27-28, 132, 133, 1028, 1829, 1884, 1961, 2051
 Petitions presented—640, 911, 1027, 1496, 1895, 1964
 Standing committees and subcommittees appointed to—21, 22, 23, 24
 Subcommittee assignments—70, 95, 102, 103, 104, 117, 152, 153, 166, 185,
 226, 227, 243, 244, 286, 296, 342, 381, 423, 478, 503, 581, 605, 653, 654,
 655, 656, 728, 741, 742, 769, 797, 820, 821, 910, 949, 950, 978, 1046,
 1047, 1076, 1077, 1148, 1180, 1582, 1606, 1648, 1704, 1782, 1894
 Subcommittee assignments, governor's appointments—952

HUTCHINS, C.W. (Bill)—Senator Forty-eighth District, Majority Leader
 Addressed the Senate—4-5
 Bills introduced—198, 211, 249, 266, 311, 660, 1073, 1191, 1403, 1404, 1429,
 1450, 1495, 1887, 1905, 1922, 2049
 Amendments filed—955, 1305, 1485, 1639, 1793, 1935, 1976, 2071
 Amendments offered—1485
 Amendments withdrawn—1935
 Appointed John F. Dwyer as temporary Secretary of the Senate—6
 Appointed to Iowa Legislative Council—132
 Appointed to Service Committee—133
 Appointed to Studies Committee—133
 Appointed Senator Jack Rife to Health Data Commission—36
 Appointed Senator Jean Lloyd-Jones to Commission on the Status of
 Women—36
 Appointed Senator David Readinger to Commission on the Status of
 Women—36
 Appointed Rebecca Reynolds-Knight to Commission on Compensation for
 Elected Public Officials—36
 Appointments to statutory commissions, committees, councils and advisory
 boards—21-32, 132-134
 Called up appointees on En Bloc Confirmation Calendar—1275-1279, 1378-
 1379, 1457
 Committee appointments—28, 132
 Escorted President pro tempore Mann to rostrum—13
 Escorted Representative Minnette Doderer of Iowa City, who was inducted
 into the Hall of Fame in 1979, in observance of Women's History Month—
 688
 Nominated Senator Mann for President pro tempore—13
 Petitions presented—448, 640, 911, 1145, 1302, 1496
 Presented Susan Hutchins, Dir. of Public Relations at Buena Vista College;
 Teddy Taylor, member of the British Parliament; Christopher Jackson,
 member of the European Parliament; David Regan, Gov't Professor
 at the University of Nottingham; and Ray Schirale, Professor of Business
 at Buena Vista College—1302-1303
 Presented the Senate Pages with a certificate of excellence for serving with
 honor and distinction as a Senate Page during the 1989 Regular
 Session—1967

- Presided at sessions of the Senate—855
- Received unanimous consent to rescind the request for an immediate message—717
- Received unanimous consent to rescind the request to refer to Agriculture—1227
- Received unanimous consent to rescind the request to withdraw SF 217—1227
- Resolutions offered—424, 665
- Standing committees and subcommittees appointed to—22
- Subcommittee assignments—342, 695, 977, 1255, 1303, 1463, 1592, 1637, 1638, 1808
- Welcomed Tarja Hoffstrom from Finland and Carlos Lopez of Spain, AFS students attending Harlan Community High School—556
- Welcomed the Honorable Bill McIlbain, speaker of the Wyoming House of Representatives—1005

INDIVIDUAL CONFIRMATION CALENDAR, Senate Rule 59—
(See Appointments - Governor's)

INTERIM COMMITTEES—
(See Legislative Council and/or Study Committees)

INTRODUCTIONS—
(See Addressed the Senate, Lieutenant Governor Zimmerman, Jo Ann and/or Presentations)

INVESTIGATING COMMITTEES—Governor's Appointments—
(See Appointments - Governor's)

- JENSEN, JOHN W.—Senator Eleventh District, Assistant Minority Leader**
- Bills introduced—75, 98, 198, 211, 221, 247, 251, 322, 386, 445, 468, 598, 639, 761
 - Amendments filed—156, 160, 197, 532, 574, 609, 716, 913, 939, 1051, 1171, 1305, 1362, 1386, 1405, 1417, 1481, 1485, 1528, 1542, 1560, 1631, 1639, 1685, 1693, 1694, 1913, 1938
 - Amendments offered—173, 614, 623, 939, 1354, 1473, 1481, 1485, 1528, 1542, 1560, 1631, 1642, 1938, 1976
 - Amendments withdrawn—174, 1409
 - Appointed to Commission On The Status of Women—134
 - Committee appointments—28, 134, 1687, 1800, 1829, 2051, 2116
 - Presented Rosa Flores, student attending Wartburg College, from Honduras—1583
 - Presented the following AFS exchange students, who were present in the Senate chamber: Ingi Hauksson from Iceland, attending Aplington High School; Claudia Diaz of Guatemala and Patricia Gonzales of Columbia, attending Ackley-Geneva High School; Julie Simon of Germany, attending Eldora-New Providence High School and Sandra Miguel from Brazil, attending Wellsburg-Steamboat Rock High School—1720

Resolutions offered—639, 1604

Standing committees and subcommittees appointed to—21, 22, 23

Subcommittee assignments—70, 94, 102, 103, 118, 152, 185, 197, 202, 226, 286, 295, 296, 317, 343, 422, 558, 603, 622, 656, 681, 682, 696, 763, 768, 950, 977, 978, 1029, 1077, 1120, 1148, 1161, 1648, 1704, 1772, 1946, 2009

Subcommittee assignments, governor's appointments—404, 951, 981

JOINT CONVENTIONS—

Condition of the Judicial Department Message of Chief Justice Arthur A. McGiverin—60-67

Condition of the State Address of Governor Terry E. Branstad—51-59

Pioneer Lawmakers program—1550-1553

Resolution relating to:

House Concurrent Resolution 1 - H.J. 12 adopted - S.J. 33, 35 adopted - H.J. 47.

House Concurrent Resolution 2 - H.J. 12-13 adopted - S.J. 33, 35 adopted - H.J. 62.

House Concurrent Resolution 3 - H.J. 248, 651-652 adopted - S.J. 672, 684, 953, 1010 adopted - H.J. 1071.

JOINT RULES—

(See also Rules)

Resolutions relating to:

Senate Concurrent Resolution 2, joint rules, Senate and House - S.J. 33, 34, 41, 42 adopted - H.J. 47, 60, 62, 69-85 adopted, 148.

JUDICIARY, COMMITTEE ON—

Appointed and appointments to—22

Appointees, investigation of—379-380, 932-933, 1027-1028

Bills introduced—221, 230, 247, 265, 291, 323, 370, 468, 505, 544, 545, 548, 625, 705, 706, 714, 739, 740, 776, 786, 815, 831, 837, 869, 870, 871, 872, 875, 909

Amendments filed—297, 324, 375, 456, 731, 804, 1263

Investigating committee reports—464

Referred to—237, 877, 1265, 1897, 2095

Resolutions offered—1534, 1535, 1645, 1646

Subcommittee assignments—92, 93, 94, 95, 102, 103, 104, 119, 139, 152, 153, 165, 166, 167, 186, 196, 197, 216, 226, 227, 243, 257, 268, 286, 296, 297, 317, 343, 371, 372, 381, 382, 383, 407, 423, 450, 451, 462, 463, 464, 510, 532, 558, 559, 581, 595, 596, 603, 604, 605, 643, 655, 681, 768, 769, 797, 798, 821, 860, 994, 1028, 1029, 1045, 1046, 1077, 1180, 1181, 1194, 1195, 1225, 1226, 1463, 1499, 1946, 1965

Subcommittee assignments, governor's appointments—394, 952

KIBBIE, JOHN P.—Senator Sixth District

Bills introduced—207, 247, 266, 291, 322, 516, 607, 683

Amendments filed—156, 297, 488, 574, 626, 637, 716, 735, 765, 766, 873, 914, 982, 1030, 1103, 1205, 1305, 1362, 1367, 1501, 1538, 1548, 1554, 1609, 1639, 1767, 1809, 1840, 1846, 1919

- Amendments offered—170, 362, 488, 924, 1057, 1060, 1293, 1367, 1588, 1847
 - Committee appointments—28, 1778, 1812, 1887, 1971, 2004, 2062, 2091
 - Corrected subcommittee assignments—103
 - Petitions presented—1145, 1302, 1497, 1621
 - Presented Mr. Frank Fahey, T.D., member of Parliament and Minister of State at the Department of Education from Kibbeacanty, Gort, Co. Galway, Ireland—844
 - Resolutions offered—639
 - Standing committees and subcommittees appointed to—21, 22, 23
 - Subcommittee assignments—70, 92, 104, 117, 118, 166, 196, 226, 245, 296, 317, 371, 381, 382, 423, 451, 503, 559, 595, 603, 604, 605, 642, 653, 654, 655, 681, 696, 769, 797, 820, 821, 950, 951, 1045, 1046, 1161, 1225, 1304, 1606, 1719, 1772
 - Subcommittee assignments, governor's appointments—395, 406, 952, 953
- KINLEY, GEORGE R.—Senator Fortieth District**
- Bills introduced—145, 190, 211, 319
 - Amendments filed—572, 671, 1538, 1630, 1973
 - Amendments offered—572, 1391, 1973
 - Committee appointments—28, 431, 2036, 2116
 - Escorted President pro tempore Mann to rostrum—13
 - Petitions presented—1026, 1302, 1620, 1781
 - Presided at sessions of the Senate—169, 424, 430, 583, 1373, 1395, 1400, 1691, 2040, 2068
 - Reports—684
 - Resolutions offered—1326, 1979
 - Rulings—173, 2073
 - Standing committees and subcommittees appointed to—21, 22, 24
 - Subcommittee assignments—94, 118, 185, 202, 226, 244, 286, 296, 318, 343, 371, 406, 407, 477, 478, 558, 603, 654, 695, 768, 769, 950, 978, 1076, 1161, 1225, 1463
 - Subcommittee assignments, governor's appointments—951, 978
- LEGISLATIVE COUNCIL—**
- Senators appointed to—132-133
- LEGISLATIVE EMPLOYEES—**
(See Officers and Employees)
- LEGISLATIVE FISCAL COMMITTEE—**
- Senators appointed to—133
- LIEUTENANT GOVERNOR ZIMMERMAN, JO ANN, President of the Senate—**
- Addressed the Senate, opening remarks—1-4
 - Advisories:
 - Senate File 445, take point of order (subject matter not germane to jurisdiction of Commerce cmte., should be referred to Jud.) under advisement and rule later in day—813
 - Senate File 393, S-3477 (not germane) defer ruling pending on action on bill—1151

- House File 140, take point of order under advisement S-3495 not germane—1716
- Announced appointments and reappointments—12
- Announced Brett J. Toresdahl and Danita Edwards appointed Administrative Assistants—12
- Appointment of page—15
- Bills signed by—400, 579-580, 619, 640-641, 699, 795, 931, 993, 1088, 1328, 1404, 1518, 1621, 1637, 1720, 1782, 1826, 1851, 1912, 2006
- Called to order 1989 Regular Session of the Seventy-third General Assembly—1
- Canvass of votes, report—7-8
- Certificate of election—7-8
- Chair cast an “aye” vote to break tie:
House File 685—1977
- Presentations:
- Presented Governor Terry E. Branstad, who delivered the Condition of the State address—51
 - Presented Chief Justice McGiverin, who delivered the Condition of the Iowa Judicial Message—62
 - Presented the Honorable Forrest V. Schwengels, former member of the Senate—39
 - Presented the Honorable Tom Tauke from Iowa, member of the United States of Representatives—39
 - Presented Scott Maasen from Johnston and Rachel Daack from Dubuque, Lt. Governors from Boys and Girls State—39
 - Presented Carol Ann Mertz from Ottosen, 1988 Pork Princess—162
 - Presented Eric (“E.J.”) Runyan from Des Moines, 1989 Iowa Easter Seal Ambassador—163
 - Presented winners of the essay contest sponsored by Iowa Commission on the Status of Women, Iowa Department of Education and the Iowa State Historical Society to “Write Women Back Into History”, First Place: Melissa Stevens (6th grade), Urbandale Middle School. Second Place: Noelle Schreck (7th grade), Rolfe Community School. Third Place: Meghan McCormick (7th grade), Jefferson Jr. High School, Dubuque. First Place: Kari Ditsworth (9th), Urbandale High School. Second Place Courtney Peterson (8th), Fair Oak Middle School, Badger. Third Place: Kathy Conwell (8th), Mount Pleasant Jr. High School. Edith Sackett Memorial Award: Stephanie Walker (7th), Spencer Middle School. Senator Szymoniak read the winning essay written by Melissa Stevens (6th grade)—647-648
 - Presented the Honorable John Connors, Speaker pro tempore of the House of Representatives who welcomed Pioneer Lawmakers—1550
 - Presented the Honorable William Harbor, who responded to welcome of the Pioneer Lawmakers—1551
 - Presented the Senate Pages with certificates of excellence for serving with honor and distinction during the 1989 Regular Session, also a Page group picture—1967

Presided at joint conventions—50, 60

Presided at sessions of the Senate—1, 7, 33, 41, 42, 49, 59, 60, 67, 74, 76, 88, 100, 108, 109, 122, 127, 135, 145, 157, 162, 187, 198, 207, 223, 236, 251, 259, 273, 287, 290, 298, 301, 319, 320, 334, 347, 360, 365, 377, 386, 398, 408, 409, 418, 435, 598, 599, 607, 630, 638, 647, 648, 660, 683, 687, 688, 705, 718, 732, 733, 805, 812, 831, 844, 874, 877, 887, 915, 916, 983, 995, 1009, 1032, 1034, 1038, 1053, 1067, 1093, 1124, 1133, 1139, 1150, 1154, 1163, 1176, 1270, 1279, 1306, 1307, 1334, 1465, 1484, 1493, 1503, 1521, 1541, 1542, 1550, 1553, 1570, 1586, 1594, 1599, 1610, 1627, 1628, 1644, 1651, 1658, 1670, 1689, 1692, 1722, 1726, 1743, 1750, 1758, 1767, 1775, 1783, 1823, 1828, 1838, 1854, 1880, 1897, 1903, 1914, 1928, 1940, 1949, 1966, 1972, 1993, 2011, 2019, 2022, 2039, 2053, 2071, 2090, 2091

Resolutions signed by—619, 1945-1946

Rulings—340, 723, 732, 735, 737, 738, 835, 836, 837, 876, 1036, 1044, 1057, 1061, 1071, 1097, 1140, 1151, 1471, 1524, 1532, 1555, 1559, 1560, 1573, 1601, 1629, 1630, 1635, 1660, 1661, 1690, 1698, 1727, 1728, 1735, 1748, 1749, 1760, 1763, 1764, 1767, 1770, 1834, 1842, 1843, 1861, 1863, 1886, 1921, 1924, 1956-1957, 1961, 1970, 1976, 2018, 2023, 2035, 2040, 2056

Welcomed:

Honorable Lee Holt, former member of the Senate—105

Honorable Delbert Floy, former member of the Senate—216

Honorable Sue Yenger, former member of the Senate—492

Honorable Edgar H. Holden, former member of the Senate—1050

Honorable Cliff Burrough, former member of the Senate—1547

Honorable Andrew Frommelt, former member of the Senate—1565

Item veto messages received—1872-1876, 1907-1908, 2130-2142

Veto messages received—2129

Closing message from Governor Terry E. Branstad—2117-2119

Final adjournment 1989 Regular Session of the Seventy-third General Assembly, HCR 25—H.J. 2802-2083 adopted - S.J. 2099, 2101 adopted, substituted for SCR 35 - H.J. 2806

LIND, JIM—Senator Thirteenth District

Bills introduced—99, 198, 211, 274, 291, 322, 386, 398, 408, 436, 445, 452, 473, 489, 494, 553, 617, 645, 648, 649, 706, 707, 714, 761, 777, 982

Amendments filed—42, 136, 156, 200, 304, 305, 309, 320, 336, 362, 365, 368, 417, 425, 472, 483, 559, 560, 573, 646, 715, 758, 759, 775, 811, 830, 873, 913, 956, 994, 1051, 1062, 1066, 1103, 1121, 1132, 1149, 1245, 1263, 1304, 1401, 1405, 1501, 1502, 1527, 1532, 1558, 1560, 1562, 1566, 1632-1633, 1639, 1661, 1677, 1693, 1698, 1700, 1735, 1760, 1788, 1789, 1803, 1879, 1913, 1925, 2010, 2042, 2045

Amendments offered—136, 174, 305, 320, 336, 362, 365, 368, 488, 571, 573, 758, 759, 918, 930, 944, 1036, 1062, 1084, 1132, 1331, 1349, 1387, 1401, 1527, 1532, 1558, 1560, 1632, 1633, 1661, 1677, 1735, 1789, 1803, 1925, 2042, 2069

Amendments withdrawn—304, 305, 425, 758, 930, 1131, 1563, 1700, 2069

Appointed to Energy Fund Disbursement Council—133

Committee appointments—10, 28, 133, 1726, 1829, 1952, 2036, 2091

Escorted Ruth Bluford Anderson, 1982 Hall of Fame inductee—1082

Petitions presented—1145

Resolutions offered—1192, 1604

Standing committees and subcommittees appointed to—21, 22, 24

Subcommittee assignments—45, 102, 103, 185, 196, 244, 296, 318, 342, 558, 595, 603, 604, 654, 655, 768, 796, 978, 1077, 1303, 1329, 1946

Subcommittee assignments, governor's appointments—395, 405, 951, 952, 967

LLOYD-JONES, JEAN—Senator Twenty-third District, Assistant Majority Leader

Bills introduced—99, 274, 322, 369

Amendments filed—286, 417, 429, 559, 735, 743, 804, 913, 956, 994, 1005, 1030, 1162, 1165, 1362, 1386, 1405, 1434, 1481, 1559, 1688, 1698, 1700, 1727, 1788, 1879

Amendments offered—836, 837, 1017, 1018, 1559, 1688

Appointed to Commission On the Status of Women—36

Committee appointments—7, 28, 1726, 1829, 1944, 2044

Escorted Jeanne Montgomery Smith, 1982 Hall of Fame inductee—1082

Petitions presented—1027, 1496

Presented Alexander and Olga Khomenko and daughter Xenia, Soviet citizens who are spending seven months in Iowa, guests of the Iowa Peace Institute and the Friendship Force International—349

Presented Dr. Van Allen, Professor at University of Iowa, and his wife Abigail—1691

Presided at sessions of the Senate—310, 717, 1264, 2096

Reports—7

Resolutions offered—577, 1429, 1535, 1604, 1736, 1738

Revised subcommittee assignments—342

Standing committees and subcommittees appointed to—21, 22, 23, 24

Subcommittee assignments—45, 70, 102, 118, 139, 165, 167, 186, 197, 243, 295, 296, 297, 317, 343, 371, 381, 423, 462, 463, 510, 531, 559, 595, 606, 654, 655, 695, 763, 768, 797, 821, 977, 1045, 1077, 1090, 1091, 1161, 1194, 1255, 1303, 1463, 1592, 1637, 1638, 1808, 1946

Subcommittee assignments, governor's appointments—412, 413, 967, 979, 980, 981

LOBBYISTS—

(See Ethics, Committee on)

LOCAL GOVERNMENT, COMMITTEE ON—

Appointed and appointments to—22

Appointees, investigation of—933

Bills introduced—302, 565, 661, 666, 776, 777, 871, 873, 909

Amendments filed—560, 955, 1051

Investigating committee reports—1255

Referred to—1265, 1506, 2095

Subcommittee assignment—83, 94, 118, 185, 202, 226, 227, 257, 286, 296, 343, 371, 422, 478, 504, 532, 558, 622, 654, 696, 741, 763, 798, 821, 950, 1075, 1077, 1120, 1147, 1148, 1161, 1194, 1195, 1225, 1255

Subcommittee assignments, governor's appointments—978

- MAJORITY FLOOR LEADER, C.W. (Bill) Hutchins—Senator Forty-eighth District
 (See Hutchins, C.W. (Bill)—Senator Forty-eighth District, Majority Leader)
- MAJORITY FLOOR WHIP, Michael E. Gronstal—Senator Fiftieth District
 (See Gronstal, Michael E.—Senator Fiftieth District, Majority Floor Whip)
- MANAGEMENT, DEPARTMENT OF—
 Claims filed—140, 141, 491, 492, 1546
 Claims approved—140
 Claims denied—140, 141, 491, 1546
- MANN, TOM, Jr.—Senator Forty-third District, President Pro Tempore
 Addressed the Senate—13
 Bills introduced—99, 135, 144, 274, 591
 Amendments filed—272, 346, 546, 559, 574, 597, 704, 888, 913, 955, 988,
 1066, 1079, 1121, 1245, 1263, 1304, 1330, 1362, 1434, 1464, 1524, 1538,
 1559, 1561, 1566, 1593, 1623, 1639, 1683, 1700, 1704, 1705, 1727, 1741,
 1759, 1788, 1809, 1853, 1885, 1947, 1948, 2042, 2055, 2065
 Amendments offered—690, 888, 988, 1109, 1140, 1315, 1493, 1559, 1715,
 1859, 1863, 1885, 2023, 2053, 2055, 2065
 Amendments withdrawn—690, 1140, 1863
 Appointed to Administration Committee—133
 Appointed to Iowa Legislative Council—132
 Committee appointments—7, 28, 61, 132, 1887, 1994, 2005
 Elected President pro tempore—13
 Escorted Mary Jane Odell of Des Moines, a 1979 Hall of Fame inductee—
 813
 Escorted Jacqueline Day of Des Moines, a 1978 Hall of Fame inductee—
 984
 Notify and escorted the Honorable Arthur A. McGiverin, Justice of the
 Supreme Court, Chief Judge and Judges of the Court of Appeals and
 Chief Judges of the eight Iowa Judicial Districts into House for the
 Condition of the Iowa Judiciary Message—61-66
 Oath of office—13
 Offered remarks in honor and memory of Dr. Martin Luther King, Jr.'s
 birthday—88
 Petitions presented—1496
 Presented Leslie Waddell, Miss Black USA 1989 from Gramblanc, Michigan,
 visiting Des Moines to commemorate the birthday of Dr. Martin Luther
 King, Jr.—77
 Presided at sessions of the Senate—77, 136, 247, 481, 505, 515, 516, 533,
 546, 548, 561, 570, 574, 584, 587, 610, 628, 744, 776, 791, 792, 892, 939,
 943, 957, 959, 972, 989, 995, 1034, 1062, 1136, 1184, 1191, 1206, 1248,
 1279, 1331, 1347, 1406, 1410, 1418, 1449, 1455, 1479, 1512, 1541, 1562,
 1617, 1618, 1624, 1640, 1676, 1698, 1706, 1766, 1780, 1803, 1810, 1846,
 1869, 1890, 1928, 1935, 1987
 Reports—7

Resolutions offered—1604, 1738, 1979

Rulings—506, 534, 562, 574, 755, 961, 1188, 1409, 1419, 1481, 1619, 1627, 1817, 1818, 1823, 1846

Standing committees and subcommittees appointed to—21, 22, 23

Subcommittee assignments—69, 70, 71, 92, 93, 94, 95, 102, 103, 119, 139, 153, 165, 166, 167, 186, 196, 197, 244, 257, 268, 286, 342, 371, 372, 381, 382, 407, 450, 451, 463, 478, 503, 510, 558, 595, 596, 603, 604, 605, 643, 644, 655, 681, 696, 768, 769, 797, 798, 951, 978, 994, 1045, 1076, 1077, 1120, 1148, 1161, 1180, 1194, 1195, 1225, 1946, 1965

Subcommittee assignments, governor's appointments—394, 951, 952

Welcomed the Honorable Edgar H. Holden, former member of the Senate—512

Welcomed the Honorable Forrest V. Schwengels, former member of the Senate—569

Welcomed the Honorable Sue Yenger, former member of the Senate—492

MEMORIALS—

Committee appointed—598-599

Committee appointments—599

Committee reports—1028

In memoriam list—1568-1569

Joint Memorial Service—1567-1569

Memorials—1567-1568

Senate memorial committee—1569

Supplemental reports—2144-2148

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MILLER, ALVIN V.—Senator Tenth District

Bills introduced—198, 211, 247, 274, 322, 645, 1450
 Amendments filed—715, 735, 936, 937, 1030, 1051, 1066, 1079, 1103, 1183,
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 Standing committees and subcommittees appointed to—21, 22, 24
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 728, 742, 763, 768, 770, 821, 950, 977, 1046, 1075, 1076, 1077, 1120,
 1161, 1180, 1194, 1225, 1739
 Subcommittee assignments, governor's appointments—395, 952, 968-969

MINORITY FLOOR LEADER, Calvin O. Hultman—Senator Forty-seventh District

(See Hultman, Calvin O.—Senator Forty-seventh District, Minority Leader)

MOTION TO OVERRIDE GOVERNOR'S VETO—

Filed:

Senate File 363—1931

Lost:

Senate File 363—1931-1932

MOTIONS TO RECONSIDER AND RULINGS—

Motions to reconsider—

Filed:

Senate File 14—1826

Senate File 14—1878

Senate File 14, Senate concurred in S-3706—1902

Senate File 31—1147

Senate File 31—1160

Senate File 31—1682

Senate File 39—358

Senate File 56—151

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Senate File 124, S-3137—580

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Senate File 138—453
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Senate File 157, S-3176—1055
Senate File 194(2)—494
Senate File 201—448
Senate File 220, S-3876 to S-3871—1638
Senate File 220, S-3880 to S-3871—1638
Senate File 220, S-3876—1809
Senate File 277—859
Senate File 285—719
Senate File 294—762
Senate File 294, S-3185—1160
Senate File 362, S-3209(2)—738
Senate File 362, S-3232—742
Senate File 362, S-3215 to S-3196—742
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Senate File 363—763
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Senate File 369—1663
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Senate File 369, S-3867 to S-3849—1663
Senate File 373(2)—1416
Senate File 375(4)—1078
Senate File 375, S-3413A—1029
Senate File 385—1047
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Senate File 481, S-3433—1039
Senate File 505—1147
Senate File 505, S-3457—1147
Senate File 514(2)—1638

- Senate File 520—1804
 - Senate File 520—1805
 - Senate File 520, S-3767A—1554
 - Senate File 536, S-4097—1891
 - Senate File 537, S-4188 to S-4106—2082
 - Senate File 545—2102
 - Senate Concurrent Resolution 1—39
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 - House File 124—1383
 - House File 146—1361
 - House File 250—2102
 - House File 250, S-3830 to S-3634(2)—1704
 - House File 293—1304
 - House File 402—1304
 - House File 447, S-3307—884
 - House File 448, S-3565—1432
 - House File 451—1851
 - House File 451, S-3843—1607
 - House File 451, S-3564—1938
 - House File 477—1383
 - House File 535, S-3535—1165-1166
 - House File 537—1329
 - House File 550—1304
 - House File 685—1984
 - House File 685—1985
 - House File 685, S-4125 as amended—1977
 - House File 713(2)—1582
 - House File 713, S-3670 to S-3576—1548
 - House File 728—1607
 - House File 728, S-3746—1512
 - House File 728, S-3819—1739
 - House File 729—1361
 - House File 740, S-3585 as amended(2)—1500
 - House File 740, S-3585 as amended—1519
 - House File 753, S-4120—1926
 - House File 758(2)—1878
 - House File 758, S-3906—1878
 - House File 774, S-3978B as amended—1768
 - House File 775, S-3966—1739
 - House File 791—2016-2017
 - House File 794(2)—2074
 - House File 794, S-4133—2074
- Prevailed:
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 - Senate File 14, S-3706—1903
 - Senate File 31—1168
 - Senate File 31—1799
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 Senate File 369, S-3867 to S-3849—1751
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 House File 775, S-3966—1748

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 Senate File 294—1170
 Senate File 481, S-3433—1039
 House File 250, S-3830 to S-3634—1955
 House File 447, S-3307—886
 House File 451—1937-1938
 House File 451, S-3843—1822
 House File 685—1984-1985
 House File 713—1708-1709
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Failed:

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Senate File 474(2)—2107
Senate File 505—2107
Senate File 545—2107
House File 250—2107

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Senate File 31—1169
Senate File 294, S-3185—1170
Senate File 362, S-3209—738
Senate File 363—783
Senate File 409(2)—973
Senate File 445—996
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House File 250, S-3830 to S-3634—1956
House File 451, S-3564—1938
House File 685—1985
House File 713—1709
House File 740, S-3585 as amended(2)—1523
House File 758—1901
House File 794, S-4133—2074

Withdrawn:

Senate File 14—1901
Senate File 59—200
Senate File 59—201
Senate File 117—524
Senate File 123—281
Senate File 138(2)—1280
Senate File 194(2)—1898
Senate File 220, S-3876 to S-3871—1790
Senate File 220, S-3876 to S-3871—1842
Senate File 277—1898
Senate File 373—1483
Senate File 373—1486-1487
Senate File 375(4)—1152
Senate File 385—1171
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Senate File 459—1177-1178
Senate File 462—1123
Senate File 520—1804
Senate File 520—1805
House File 88(2)—2074
House File 124—2069
House File 146—1412
House File 477—1403
House File 550—1308
House File 728, S-3746—1599
House File 729—1371
House File 791—2016-2017
House File 794(2)—2074

Deferred:

House File 447, S-3307—885

MURPHY, LARRY—Senator Fourteenth District

Bills introduced—198, 211, 247, 291, 303, 322, 349, 408, 473, 524, 638, 685, 791

Amendments filed—206, 362, 417, 451, 484, 494, 532, 646, 716, 722, 723, 724, 731, 732, 733, 735, 738, 743, 775, 804, 811, 830, 836, 873, 914, 989, 1005, 1030, 1043, 1051, 1155, 1156, 1165, 1171, 1305, 1405, 1501, 1548, 1565, 1566, 1635, 1639, 1649, 1731, 1735, 1757, 1760, 1762, 1763, 1764, 1767, 1809, 1853, 1997, 1998, 2032, 2106

Amendments offered—148, 429, 484, 722, 724, 836, 837, 989, 990, 1043, 1155, 1156, 1165, 1171, 1392, 1393, 1407, 1631, 1635, 1731, 1762, 1763, 1764, 1767, 1998

Amendments withdrawn—722, 723, 738, 836, 989, 1392, 1493, 1711, 1997, 2089

Committee appointments—29, 1028, 1274, 1726, 1778, 1802, 1812, 1916, 2027, 2036

Oath of office—89

Presided at sessions of the Senate—1248

Resolutions offered—1738

Standing committees and subcommittees appointed to—21, 22, 23, 24

Subcommittee assignments—45, 70, 71, 93, 94, 102, 104, 105, 117, 118, 152, 226, 244, 297, 342, 371, 382, 407, 422, 478, 503, 531, 532, 595, 653, 654, 681, 682, 696, 697, 763, 769, 798, 821, 950, 1045, 1046, 1147, 1181, 1194, 1195, 1304, 1463, 1772, 1946, 2102

Subcommittee assignments, governor's appointments—405, 968, 969

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Bills introduced—122, 247, 683, 792

Amendments filed—514, 569, 671, 830, 1121, 1205

Corrected subcommittee assignment—103

Investigating committee reports—1088, 1219

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Subcommittee assignments—69, 70, 71, 92, 95, 103, 104, 166, 185, 226, 286, 317, 381, 382, 450, 451, 503, 642, 643, 655, 656, 696, 768, 769, 797, 1045, 1076, 1077, 1091, 1148, 1161

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NYSTROM, JOHN N.—Senator Forty-fourth District, Assistant Minority Leader

Bills introduced—148, 198, 211, 322, 360, 369, 386, 533, 596

Amendments filed—843, 914, 1299, 1305, 1797, 1836, 1913

Amendments offered—927, 1797, 1836

Appointed to Iowa Legislative Council—132

- Appointed to Permanent Pensions Committee—134
- Appointed to Studies Committee—133
- Committee appointments—29, 59, 132, 133, 134, 1778, 1829, 1980, 2062
- Escorted the Chief Justice and the Justices of the Supreme Court and the Chief Judge and the Judge of the Court of Appeals to the House Chamber—50
- Escorted Governor Branstad to the Speaker's station—51
- Standing committees and subcommittees appointed to—21, 23, 24
- Subcommittee assignments—71, 102, 103, 152, 165, 166, 167, 185, 197, 243, 244, 295, 296, 317, 343, 371, 423, 462, 463, 477, 478, 510, 559, 603, 605, 653, 654, 681, 695, 696, 697, 763, 768, 769, 796, 797, 821, 910, 1046, 1076, 1077, 1090, 1091, 1120, 1161, 1194, 1195, 1226
- Subcommittee assignments, governor's appointments—412, 413, 951, 979, 980, 981

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- By President pro tempore, Senator Mann of the Senate—13
- By newly elected Senators—9, 89
- By Secretary of the Senate—6

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- Senate File 369, Senator Hannon—1725
- Senate File 445, Senator Hutchins—876
- Senate File 461, Senator Hutchins—876

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- Senate File 124—665
- Senate File 369—1725

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- Secretaries appointed and took oath of office—13-15
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- Resolution relating to, SCR 3—S.J. 78, 79 adopted - 88, 109 - H.J. 93-94, 125-138, 145-147 adopted, motion to reconsider - H.J. 157, motion to reconsider withdrawn.

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PALMER, WILLIAM D.—Senator Thirty-ninth District

- Bills introduced—158, 211
- Amendments filed—346, 559, 955, 1245, 1362, 1405, 1879, 1919, 1920
- Amendments offered—1058, 1861
- Amendments withdrawn—1525
- Committee appointments—29, 1944, 1952, 1980, 2044

Petitions presented—1027
 Resolutions offered—639, 1736, 1979
 Standing committees and subcommittees appointed to—21, 23, 24
 Subcommittee assignments—103, 118, 139, 152, 166, 185, 226, 286, 318, 381,
 423, 478, 503, 511, 604, 653, 654, 655, 681, 769, 820, 821, 910, 949, 1045,
 1076, 1091, 1180, 1181, 1303, 1638, 1719, 1782
 Subcommittee assignments, governor's appointments—951, 967, 969

PATE, PAUL D.—Senator Twenty-fourth District

Bills introduced—198, 302, 303, 322, 360, 386, 408, 436, 445, 452, 459, 577,
 610
 Amendments filed—494, 560, 716, 882, 883, 884, 913, 1051, 1092, 1245, 1353,
 1386, 1405, 1434, 1524, 1566, 1695, 1773, 1827
 Amendments offered—611, 884, 1472, 1795, 1841
 Amendments withdrawn—1127
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 Committee appointments—29, 134, 1028, 1971
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 Outstanding Farmer Award given by the Iowa NAMA "Friends of
 Agriculture" Award committee in conjunction with the Department
 of Agriculture and Land Stewardship—916
 Resolutions offered—1535
 Standing committees and subcommittees appointed to—21, 22, 24
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 Subcommittee assignments, governor's appointments—395, 951, 953, 968

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PETERSON, JOHN A.—Senator Thirty-fourth District

Bills introduced—49, 98, 266, 274, 334, 431, 445, 468, 490, 524, 565, 638
 Amendments filed—346, 366, 716, 735, 775, 955, 1050, 1051, 1069, 1079,
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 Amendments offered—365, 366, 891, 1084, 1420, 1975
 Amendments withdrawn—1069
 Committee appointments—29, 431, 1028
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 286, 295, 422, 478, 503, 558, 769, 951, 1076, 1077, 1091, 1194, 1704
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PIONEER LAWMAKERS ASSOCIATION OF IOWA—

Addressed by the Honorable Jack Miller, member of the Iowa house of
 representatives (1955-1956), Iowa state senator (1957-1960), U.S. Senate
 (1960-1972) and present Senior U.S. Circuit Judge, U.S. Court of
 Appeals for the Federal Circuit—1551
 Representative Harbor announced legislators who were eligible to become

members, Russell "Rusty" Laird lobbyist from Des Moines, Dr. William Peterson ("Steamboat Bill") of Iowa City and Betty Wentz, House secretary from Des Moines, were awarded honorary membership in the Pioneer Lawmakers Association—1551

Resolution relating to HCR 3—H.J. 248, 651-652 adopted - S.J. 672, 684, 953, 1010 adopted - H.J. 1071

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Senate File 118, S-3055 - Senator Gronstal—360

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Senate File 124, S-3179 - Senator Gronstal—663

Senate File 153, S-3067 - Senator Dieleman—362

Senate File 153, S-3037 - Senator Dieleman—362

Senate File 154, S-3062 - Senator Coleman—425

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Senate File 214, refer to Ways and Means under Rule 38 - Senator Hultman—444

Senate File 220, S-3876 to S-3871 - Senator Murphy—1630

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Senate File 303, S-3465 - Senator Boswell—1084

Senate File 315, S-3325 - Senator Mann—891

Senate File 315, S-3487A - Senator Mann—1140

Senate File 315, S-3482 - Senator Riordan—1140

Senate File 362, S-3229 - Senator Murphy—836

Senate File 362, S-3287 - Senator Running—837

Senate File 362, S-3239 - Senator Hultman—837

Senate File 363, S-3191 - Senator Hultman—747

Senate File 363, S-3245 - Senator Gronstal—748

Senate File 363, S-3253, same subject matter S-3242 - Senator Welsh—758

Senate File 363, S-3249 - Senator Welsh—760

Senate File 363, S-3901 to S-3854 - Senator Hultman—1661

Senate File 366, S-3645 - Senator Murphy—1861

Senate File 373, S-3694 to S-3581 - Senator Varn—1409

Senate File 373, S-3581 as amended - Senator Welsh—1411

Senate File 375, S-3413B - Senator Peterson—1012

Senate File 375, S-3452B - Senator Peterson—1069

Senate File 385, S-3343 - Senator Gettings—1042

Senate File 385, S-3419 - Senator Hultman—1042

Senate File 390, refer to Judiciary under Rule 38 - Senator Mann—1035

Senate File 393, S-3477 - Senator Fuhrman—1151

Senate File 393, S-3537 - Senator Hultman—1186

Senate File 396, S-3347 as amended - Senator Hultman—1131

Senate File 409, S-3333 - Senator Taylor—918

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Senate File 497, S-3473 - Senator Jensen—1109
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- Senate File 514, S-3957—1735
- Senate File 524, S-3757—1527
- Senate File 524, S-3778—1528
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- House File 686, S-3859—1617
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- House File 758, S-4117—2023
- House File 774, S-3979—1763
- House File 774, S-3985—1767
- House File 774, S-4013—1767
- House File 780, S-4067—1886
- Ruled well taken:
 - Senate File 39—108
 - Senate File 409—973
- Ruled not well taken:
 - Senate File 390, refer to Judiciary—1041
 - Senate File 445—876
 - Senate File 461—876
- Withdrawn:
 - House File 140, S-3495—1717

PRESENTATIONS—

- (See also Addressed the Senate, and/or Lieutenant Governor Zimmerman, Jo Ann, President of the Senate)
- Senator Hultman presented Marcy Requist of Red Oak, Miss Iowa 1989, she will be competing in the Miss America Pageant in Mobile, Alabama—76
- Senator Drake presented Marilyn Bordwell of Washington, the 1989 Iowa Junior Miss, she will represent Iowa at the National Junior Miss Finals in June—76
- Senator Riordan and President pro tempore Mann presented Leslie Waddell, Miss Black USA 1989 from Gramblanc, Michigan, she is visiting Des Moines to commemorate the birthday of Dr. Martin Luther King, Jr.—77
- Senator Gentleman presented Eric (“E.J.”) Runyan from Des Moines, 1989 Iowa Easter Seal Ambassador—163
- Senator Dieleman presented Valerie Van Wyk from Pella, 1988 Mrs. Iowa, she was accompanied by her husband and sons Zachery and Benjamin—190
- Senator Boswell welcomed Timothy W. Teel, 1988-1989 Iowa FFA President from Osceola—404
- Senator Priebe welcomed Tanya Hansen, 1988-1989 Miss Iowa Angus from Wheatland, presently attending the Iowa Beef Expo in Des Moines—404
- Senator Priebe presented Dr. Michael Grimes Ph.D., a businessman from Cork, Ireland, who was the first Grand Marshall of the celebrated St. Patrick’s Day Parade in Emmetsburg, Iowa, twenty-eight years ago—673
- Senator Tinsman presented Representative Minnette Doderer of Iowa City, who was inducted into the Hall of Fame in 1979, in observance of Women’s History Month—688
- Senator Tinsman presented Catherine G. Williams of Des Moines, a 1980 Hall of Fame inductee, in observance of Women’s History Month—688
- Senator Gronstal presented Trish Brown, former Miss Southwest Iowa and current Miss Northwest Iowa—911
- Senator Pate presented Raymond G. Oltmann, Central City, Iowa, winner of the 1989 Outstanding Farmer Award given by the Iowa NAMA “Friends of Agriculture” Award committee in conjunction with the Department of Agriculture and Land Stewardship—916
- Senator Hultman presented Jolly Ann Davidson, Clarinda, who was inducted into the Hall of Fame in 1987, in observance of Women’s History Month—984
- Senator Mann presented Jacqueline Day, Des Moines, who was inducted into the Hall of Fame in 1978, in observance of Women’s History Month—984
- Senator Hedge presented Beverly Everett, New Sharon, who was inducted into the Hall of Fame in 1983, in observance of Women’s History Month—984
- Senator Szymoniak presented Mary Garst, Des Moines, who was inducted into the Hall of Fame in 1981, in observance of Women’s History Month—984
- Senator Coleman presented Louise Noun, Des Moines, who was inducted

into the Hall of Fame in 1981, in observance of Women's History Month—984

Senator Corning presented Willie Glanton, Des Moines, who was inducted into the Hall of Fame in 1986, in observance of Women's History Month—984

Senator Gentleman presented Mary Louise Smith, Des Moines, who was inducted into the Hall of Fame in 1977, in observance of Women's History Month—984

Senator Hultman presented Beatrice Leong, an exchange student from Malaysia, attending Clarinda High School—1254

Senator Hultman presented Claudia Auer from West Germany, exchange student residing with Senator and Mrs. Rensink and attending Sioux Center High School, she was accompanied by her parents, Anton and Dorothea Auer—1302

Senator Hutchins presented Susan Hutchins, Dir. of Public Relations at Buena Vista College; Teddy Taylor, member of British Parliament; Christopher Jackson, member of the European Parliament; David Regan, Gov't Professor at the University of Nottingham; and Roy Schirole, Professor of Business at Buena Vista College—1302-1303

Senator Soorholtz presented the Honorable Carson Rogers, State Senator from Nebraska—1362

Senator Tieden presented Jussie and Corolina Tinninen and son Emil of Helsinki, Finland—1432

Senator Lloyd-Jones presented Dr. Van Allen, Professor at the University of Iowa, and his wife Abigail—1691

Senator Dieleman presented Sophie Falcon, Queen of the Fifty-fourth Annual Pella Tulip Time Festival, who in turn introduced the members of her court: Angie Dieleman, Tricia Steenhoek, Julie Vander Ploeg, and Heather Wegter, they were accompanied by Burgemeester Bob Wegter—1712

Senator Jensen presented the following American Field Service exchange students, who were present in the Senate chamber: Ingi Hauksson from Iceland, attending Aplington High School; Claudia Diaz of Guatemala and Patricia Gonzales from Columbia, attending Ackley-Geneva High School; Julie Simon of Germany, attending Eldora-New Providence High School and Sandra Miguel from Brazil, attending Wellsburg-Steamboat Rock High School—1720

Senators Hutchins and Hultman and President Zimmerman thanked the Senate Pages for their service to the Senate and presented them with certificates of excellence for serving with honor and distinction as a Senate Page during the 1989 Regular Session of the Seventy-third General Assembly, a Page group picture was presented to them by President Zimmerman—1967

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, urge Congress to address adverse effects of the Social Security program which discriminates certain persons, "Notch." S.J. 577, 596, 653, 713, 919 adopted - H.J. 967, 999.
- Senate Concurrent Resolution 10, federal coal slurry pipeline legislation. S.J. 639, 644, 681, 801, 929 adopted - H.J. 968, 999, 2538 adopted - S.J. 2109.
- Senate Concurrent Resolution 18, petition the Governor to issue a proclamation of disaster emergency due to drought conditions affecting water resources of state. S.J. 1380, 1383-1384, 1400 adopted - H.J. 1612, 1648.
- Senate Concurrent Resolution 19, urge and petition U.S. Dept. of Ag. make lands which are under the conservation reserve program eligible for grazing by livestock. S.J. 1380-1384, 1400 adopted - H.J. 1612, 1648-1649, 1649.
- Senate Concurrent Resolution 20, urge and petition Congress of U.S., President of U.S., secy. of ag., U.S. dept. of ag., including animal and plant health inspection service of U.S. dept. of ag., reconsider adoption of rule changes amending 9 C.F.R. pt. 92 relating to precautions against native swine herds from foreign transmission of disease. S.J. 1380-1381, 1384, 1401 adopted - H.J. 1613, 1649.
- Senate Concurrent Resolution 21, petition U.S. gov't. to require meat products produced outside U.S. be labeled as foreign produced. S.J. 1458-1459, 1460 adopted.
- Senate Concurrent Resolution 23, urge and petition the Postmaster General of the U.S. issue a first class commemorative postage stamp in honor of Grant Wood centennial. S.J. 1535, 1592, 1741, 1794, 1795 adopted - H.J. 2260, 2077, 2516 adopted - S.J. 2109.
- Senate Concurrent Resolution 24, petition U.S. gov't. to require meat products produced outside U.S. be labeled as foreign produced. S.J. 1535, 1536, 1612 adopted, 1626 - H.J. 1810, 1847.
- Senate Concurrent Resolution 26, driver license requirement for drivers of commercial mtr. vehicles under Federal Commercial Mtr. Vehicle Safety Act of 1986, cmte. study. S.J. 1591, 1596, 1638.
- Senate Concurrent Resolution 28, request Congress to raise permissible income level for eligibility for FHA loans, expand residential mortgage program for qualifying mortgage loans originated by local lending instns. S.J. 1641, 1658, 1876-1877, 1898 adopted, 1901 - H.J. 2416, 2498.

PRESIDENT PRO TEMPORE OF THE SENATE—Senator Tom Mann, Jr.
(See Mann, Tom Jr., Senator Forty-third District)

PRESS, MEMBERS OF—
Assignment of desks in press gallery—9-10

PRIEBE, BERL E.—Senator Eighth District
Bills introduced—18, 19, 67, 138, 198, 211, 274, 322, 576, 688, 777, 1024
Amendments filed—339, 367, 659, 715, 731, 732, 735, 883, 886, 913, 935,

- 1012, 1030, 1051, 1092, 1103, 1171, 1305, 1314, 1360, 1399, 1502, 1511, 1538, 1539, 1565, 1617, 1623, 1625, 1627, 1639, 1661, 1694, 1698, 1742, 1764, 1827, 1830, 1834, 1841, 1846, 1919, 1920, 1974, 1976, 2018
- Amendments offered—339, 735, 886, 916, 1012, 1036, 1055, 1072, 1142, 1360, 1399, 1511, 1617, 1627, 1694, 1733, 1830, 1834, 1841, 1974
- Called up appointees on Individual Confirmation Calendar—1443
- Committee appointments—29, 1916, 1961, 2036
- Corrected subcommittee assignments—103
- Petitions presented—1782
- Presented Dr. Michael Grimes Ph.D., a businessman from Cork, Ireland, who was the first Grand Marshall of the celebrated St. Patrick's Day Parade in Emmetsburg, Iowa, twenty-eight years ago—673
- Read to the Senate the 1989 sixth and seventh grade second place essay winner of the "Write Women Back Into History" contest written by Noelle Schreck, 7th grader from Rolfe Community School, Rolfe, Iowa—915-916
- Request to refer Senate File 217 to Agriculture—1227
- Request to withdraw Senate File 217—1227
- Resolutions offered—639, 1604
- Standing committees and subcommittees appointed to—21, 22, 23
- Subcommittee assignments—69, 70, 83, 95, 166, 185, 202, 227, 244, 257, 286, 381, 382, 407, 422, 423, 450, 478, 503, 504, 603, 622, 643, 656, 681, 742, 763, 768, 769, 950, 977, 1045, 1148, 1181, 1194, 1225
- Subcommittee assignments, governor's appointments—404, 951, 978
- Welcomed Tanya Hansen, 1988-1989 Miss Iowa Angus from Wheatland, presently attending the Iowa Beef Expo in Des Moines—404

PRINTING DIVISION OF GENERAL SERVICES—

Journals, bills and binders be mailed to all county auditors:

Senate Concurrent Resolution 1, distribution of printed legislative materials. S.J. 33, 34-35 adopted, 39 motion to reconsider, 135-136 - H.J. 232, 239, 248, 252-253 as amended adopted - S.J. 144, 217, 220, 259, 274, 275 senate concurred in house amendment - H.J. 335.

PROOF OF PUBLICATION—

Senate File 526—1512
House File 631—1385

REAPPOINTMENTS—

(See Appointments - Reappointments, Statutory - Senators)

RENSINK, WILMER—Senator Third District

Bills introduced—187, 198, 211, 220, 230, 266, 291, 322, 386, 570, 598, 687

Amendments filed—716, 884, 914, 1149, 1305, 1510, 1609, 1685, 1693, 1767, 2018

Amendments offered—884, 1208, 1510, 1767

Committee appointments—29, 1802, 2027

Petitions presented—1027, 1496, 1637

Presented Leslie Waddell, Miss Black USA 1989 from Gramblanc, Michigan, visiting Des Moines to commemorate the birthday of Dr. Martin Luther King, Jr.—77

Resolutions offered—1458

Standing committees and subcommittees appointed to—21, 22, 24

Subcommittee assignments—45, 70, 95, 102, 119, 226, 243, 286, 296, 382, 423, 595, 604, 642, 654, 655, 769, 910, 1046, 1076, 1091, 1180, 1564

Subcommittee assignments, governor's appointments—952, 967, 968

REPORTS—

(See Communications and/or individual headings)

REQUEST FOR UNANIMOUS CONSENT—

Senator Hutchins asked and received unanimous consent to rescind request by Senator Priebe to refer Senate File 217 to committee on Agriculture (Senate Journal page 1210)—1227

Senator Hutchins asked and received unanimous consent to rescind the request by Senator Priebe to withdraw Senate File 217 (Senate Journal page 1216)—1227

RESOLUTIONS—

(See also Legislative Index Volume)

Introduction, Senate Concurrent Resolutions—33, 78, 198, 250, 424, 577, 639, 683, 833, 909, 1326, 1360, 1380-1381, 1458-1459, 1516-1517, 1534-1535, 1591, 1604, 1641, 1646, 1659, 1736, 1966, 1979-1980, 2049, 2100

Introduction, Senate Resolutions—259-260, 267, 948, 1062, 1192, 1429, 1459, 1534-1535, 1645, 1687, 1736, 1738, 2030

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Resolutions printed after session—3412-3513

Sent to Secretary of State—619, 1945

Substituted—2101

Withdrawn—1271, 1412, 2100-2101

RIFE, JACK—Senator Twenty-ninth District

Bills introduced—19, 89, 187, 322, 386, 626, 707

Amendments filed—217, 272, 320, 339, 365, 575, 716, 721, 733, 882, 883, 884, 913, 1121, 1165, 1386, 1405, 1538, 1554, 1633, 1639, 1693, 1694, 1695, 1919, 1975, 1976

Amendments offered—365, 721, 884, 1132, 1165, 1526, 1576, 1633, 1651, 1653, 1976

Appointed to Health Data Commission—36

Called up appointees on Individual Confirmation Calendar—1458

Committee appointments—10, 30, 1884, 1971

Standing committees and subcommittees appointed to—21, 22, 23

Subcommittee assignments—70, 94, 102, 166, 167, 195, 244, 317, 342, 343, 407, 478, 531, 559, 603, 604, 605, 655, 682, 695, 697, 763, 768, 798, 950, 977, 978, 1045, 1046, 1120, 1121, 1161, 1194, 1195, 1225

Subcommittee assignments, governor's appointments—404, 412, 413, 951, 953, 968, 978, 979, 980, 981

RIORDAN, JAMES R.—Senator Forty-fifth District

Bills introduced—99, 144, 175, 198, 211, 266, 291, 349, 391, 524, 607, 683, 761

Amendments filed—495, 562, 732, 735, 913, 982, 1012, 1030, 1051, 1070, 1079, 1304, 1305, 1330, 1385, 1405, 1661, 1698, 1759, 1823, 1839, 1841, 1846, 1879, 2010, 2042

Amendments offered—561, 562, 1002, 1069, 1070, 1083, 1124, 1167, 1307, 1377, 1389, 1422, 1425, 1661, 1698, 1717, 1822, 1823, 1839, 1846, 2016, 2042

Amendments withdrawn—1068, 1070, 1389

Appointed to Commission On Interstate Cooperation—134

Committee appointments—10, 30, 134, 1884

Escorted Sister Patricia Clare Sullivan, 1988 Hall of Fame inductee—1082

Petitions presented—640, 1145, 1302

Resolutions offered—1604, 1738, 1966

Standing committees and subcommittees appointed to—21, 22, 23

Subcommittee assignments—71, 102, 103, 104, 118, 119, 152, 167, 226, 227, 244, 286, 297, 317, 342, 381, 382, 406, 423, 477, 503, 531, 595, 604, 605, 643, 653, 654, 655, 682, 741, 742, 768, 796, 797, 821, 910, 949, 950, 951, 977, 1028, 1075, 1180, 1564, 1582, 1606, 1648, 1719, 1878

Subcommittee assignments, governor's appointments—405, 969

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Senate Concurrent Resolution 2, joint rules, Senate and House. S.J. 33, 34, 41, 42 adopted - H.J. 47, 60, 62, 69-85 adopted, 148.

Senate Resolution 1, permanent senate rules. S.J. 33, 34, 42, 48, 43 as amended, adopted.

Senate Resolution 3, senate code of ethics. S.J. 267, 270, 298, 304, 305 as amended, adopted.

Senate Resolution 4, senate rules governing lobbyists. S.J. 267, 270-271, 305, 320 as amended, adopted.

Rules invoked—

Rule 13 (bills returned to calendar):

Senate File 124, 344

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House File 124—839

Rule 21 (engrossment of bills, Secretary's report on enrolling):

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Senate File 88—1647

Senate File 124—1637

Senate File 141—2113

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(Secretary's report in engrossment):

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Rule 24 (motions to reconsider remaining on calendar, adjournment, failed):

Senate File 149—2107
 Senate File 474—2107
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Rule 28 (introduction, reading and form of bills and resolutions):

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 - Senate File 39—108
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RULES AND ADMINISTRATION, COMMITTEE ON—

Appointed and appointments to—22
 Amendments filed—644, 667
 Appointees referred to—906-907
 Appointees referred to standing committees—379-380, 404-406, 412-413, 931-935, 951-953, 967-969, 978-982
 Committee appointments—22

Referred to—898

Reports, administration—10-12, 13-15, 37, 110-112, 112-113, 379-380, 931-935, 1063

Resolutions offered—33, 78, 370, 948, 1459, 2030, 2049, 2100

Resolutions relating to:

Senate Concurrent Resolution 1, distribution of printed legislative materials. S.J. 33, 34-35 adopted, 39 motion to reconsider, 135-136 - H.J. 232, 239, 248, 252-253 as amended adopted - S.J. 144, 217, 220, 259, 274, 275 senate concurred in house amendment - H.J. 335.

Senate Concurrent Resolution 2, joint rules, Senate and House. S.J. 33, 34, 41, 42 adopted - H.J. 47, 60, 62, 69-85 adopted, 148.

Senate Concurrent Resolution 3, compensation of chaplains, officers, and employees of the seventy-third general assembly. S.J. 78, 79 adopted - 88, 109 - H.J. 93-94, 125-138, 145-147 adopted, motion to reconsider - H.J. 157, motion to reconsider withdrawn.

Senate Concurrent Resolution 34, refer resolutions and proposals requesting the establishment of legislative studies to Legislative Council. S.J. 2049, 2051-2052 adopted - H.J. 2647, 2804.

Senate Concurrent Resolution 35, adjournment, Sunday, May 7, 1989. S.J. 2100, 2101 - HCR 25 substituted - SCR 35 w/d.

Senate Resolution 1, permanent senate rules. S.J. 33, 34, 42, 48, 43 as amended adopted.

Senate Resolution 2, Senate honor Senator Richard F. Drake, for twenty years of legislative service. S.J. 257-258, 259-260 adopted.

Senate Resolution 4, Senate rules governing lobbyists. S.J. 267, 270-271, 305, 320 adopted.

Senate Resolution 5, gubernatorial appointments requiring senate confirmation. S.J. 370, 375, 391 as amended adopted.

Senate Resolution 11, defer action on confirmation of Darlene Blake. S.J. 1459, 1460 adopted.

Senate Resolution 12, defer action on confirmation of Robert A. Van Vooren. S.J. 1459, 1460 adopted.

Senate Resolution 20, senate legislative expenses. S.J. 2029, 2030, 2086, 2100 adopted.

Senate Resolution 21, honor former Senator Edgar H. Holden, and present his Senate chair, in appreciation of his service. S.J. 2030, 2086, 2087 adopted.

Subcommittee assignments—342, 406, 695, 977, 1255, 1303, 1463, 1592, 1637, 1638, 1808

RUNNING, RICHARD V.—Senator Twenty-sixth District

Bills introduced—19, 98, 137, 138, 143, 144, 157, 175, 181, 251, 274, 319, 386, 398, 553, 564, 570, 591, 610, 617, 625, 739

Amendments filed—309, 346, 626, 682, 704, 843, 913, 955, 1030, 1051, 1066, 1128, 1130, 1149, 1205, 1305, 1313, 1330, 1362, 1385, 1405, 1566, 1661, 1668, 1684, 1700, 1721, 1728, 1760, 1766, 1774, 1879, 1903, 1913, 1919, 1921, 1926, 2010, 2045

Amendments offered—637, 784, 1128, 1130, 1313, 1421, 1661, 1728, 1788, 1903, 1921, 1926, 1961, 2027, 2045

- Amendments withdrawn—1130, 1788, 1926
 - Appointed to Communications Review Commission—133
 - Committee appointments—30, 133, 1829, 1924, 1952, 2004
 - Presided at sessions of the Senate—98, 732, 1387, 1914
 - Resolutions offered—1062, 1535, 1738
 - Standing committees and subcommittees appointed to—21, 23, 24
 - Subcommittee assignments—69, 93, 102, 139, 165, 166, 167, 185, 195, 196, 243, 295, 318, 371, 382, 407, 432, 478, 510, 559, 603, 605, 644, 653, 654, 655, 696, 697, 797, 950, 978, 1046, 1090, 1120, 1121, 1194, 1195, 1303
 - Subcommittee assignments, governor's appointments—412, 413, 951, 978, 979, 980, 981
- SCOTT, KENNETH—Senator Fifteenth District**
- Bills introduced—198, 211, 247, 266, 274, 322, 452, 482, 553, 638
 - Amendments filed—574, 609, 733, 735, 1051, 1103, 1263, 1305, 1565, 1694, 1840, 1919
 - Amendments offered—141, 1293, 1369
 - Appointed to Commission On Interstate Cooperation—134
 - Appointed to Communications Review—133
 - Committee appointments—10, 30, 133, 134, 1884
 - Petitions presented—285, 359, 448, 911, 1145, 1302, 1496, 1620, 1807
 - Standing committees and subcommittees appointed to—21, 22, 23
 - Subcommittee assignments—70, 119, 139, 196, 295, 296, 297, 343, 432, 463, 478, 504, 558, 559, 603, 604, 605, 655, 695, 697, 742, 763, 768, 769, 910, 1046, 1076, 1161, 1225, 1226, 1946, 2009
 - Subcommittee assignments, governor's appointments—953, 981
- SEATS—**
- Assignment to members—16-18
 - Assignment to desks in Press Gallery—9-10
- SECRETARY OF STATE, Elaine Baxter—**
- Communications from—7-8
 - Reports, Resolution sent to—619, 1945
- SECRETARY OF THE SENATE, John F. Dwyer—**
- Acknowledgment of communications—140-141, 491-492, 1546
 - Assignment of seats to press—9
 - Communications received and on file—31-32, 140-141, 331-333, 349-355, 449-450, 491-492, 640-641, 650-651, 819, 1025, 1181-1182, 1537, 1663, 1703, 1719, 1739-1740, 1772, 1849, 1850-1851
 - Elected temporary Secretary of the Senate—6
 - Election of—6
 - Oath of office—6
 - Proofs of publication—1385, 1512
 - Reports, Bills sent to Governor—400, 579-580, 619, 640-641, 699, 795, 931, 993, 1088, 1328, 1404, 1518, 1621, 1637, 1720, 1782, 1826, 1851, 1912, 2006

- Reports, Certificates of Recognition—36, 216, 245, 358, 404, 619, 667-668, 676, 770, 787, 879, 949, 1003, 1025, 1146, 1148, 1415
- Reports, Resolutions sent to Sec. of State—619, 1945
- Reports on corrections in engrossment, Senate Rule 21—287, 1224, 1583, 1719, 1739
- Reports on corrections in enrollment, Senate Rule 21—1621, 1637, 1647-1648, 1703, 1772, 1849, 2113-2115
- Resolutions relating to:
Senate Resolution 20, legislative expenses—2029, 2030, 2086, 2100 adopted

SENATE CONCURRED—

- Senate File 14, S-3706—1815
- Senate File 31, S-3753—1674
- Senate File 38, S-3096—517-518
- Senate File 39, S-3038—335
- Senate File 46, S-3764—1587
- Senate File 52, S-3621—1402
- Senate File 59, S-3157—615
- Senate File 82, S-3688—1508
- Senate File 88, S-3687—1480
- Senate File 105, S-3171—1010
- Senate File 111, S-3719—1506
- Senate File 117, S-3654—1469
- Senate File 119, S-3302 as amended—1470
- Senate File 121, S-3704—1478
- Senate File 149, S-3750 as amended—1999-2000
- Senate File 153, S-3981—1798
- Senate File 157, S-3791—1737
- Senate File 170, S-3240—1491
- Senate File 186, S-3980—1785
- Senate File 216, S-3689—1468
- Senate File 218, S-3718—1515
- Senate File 220, S-4127 as amended—1973
- Senate File 223, S-3661 as amended—1614
- Senate File 224, S-3792—1714
- Senate File 231, S-3655—1479
- Senate File 266, S-3848—1657
- Senate File 272, S-3896—1747
- Senate File 278, S-3708—1476
- Senate File 300, S-3703—1477
- Senate File 318, S-3717—1514
- Senate File 343, S-3702—1475
- Senate File 361, S-4170—2031
- Senate File 363, S-3854 as amended—1662
- Senate File 365, S-3712—1509
- Senate File 366, S-3604 as amended—1862
- Senate File 369, S-3849 as amended—1656
- Senate File 369, S-3849—1770
- Senate File 371, S-3838—1643

Senate File 391, S-3716—1507
 Senate File 407, S-3715—1521
 Senate File 419, S-3877 as amended—1654
 Senate File 426, S-3793—1575
 Senate File 428, S-3701—1487
 Senate File 441, S-4190—2087-2088
 Senate File 449, S-3754—1711
 Senate File 450, S-3713 as amended—1731
 Senate File 466, S-3714—1746
 Senate File 470, S-4062—1906
 Senate File 472, S-3752 as amended—1997
 Senate File 474, S-3748—2025-2026
 Senate File 498, S-3705—1615
 Senate File 502, S-3900—1794
 Senate File 508, S-3707—1578
 Senate File 517, S-4015 as amended—1803
 Senate File 519, S-3983 as amended—1859
 Senate File 520, S-4020 as amended—1801
 Senate File 521, S-4023—1786
 Senate File 525, S-3853—1601
 Senate File 532, S-4019 as amended—1796
 Senate File 536, S-4159—2012
 Senate File 537, S-4188 to S-4106—2083
 Senate File 540, S-4077 as amended—1892
 Senate File 541, S-4076 as amended—1887
 Senate File 546, S-4194—2098
 Senate Concurrent Resolution 1, S-3025—275
 House File 5, S-3955—1730
 House File 71, S-3982—1865
 House File 98, S-4022—1793
 House File 140, S-4142 to H-4444—1988
 House File 373, S-3899 as amended—1805
 House File 447, S-3945—1692
 House File 451, S-4134 to H-4446—1989-1990
 House File 477, S-3897—1672
 House File 490, S-4044—1833
 House File 522, S-3898—1671
 House File 579, S-4074 as amended—1858
 House File 643, S-3953—1777
 House File 703, S-4136 to H-4436—1987
 House File 722, S-3952—1779
 House File 753, S-4156 to H-4438—2001
 House File 772, S-4130—1952
 House File 775, S-4073 as amended—1856
 House File 789, S-4182 to H-4471—2052
 House File 799, S-4192 to H-4479—2091-2092

SENATE INSISTS—

Senate File 157—1777
 Senate File 220—2036

Senate File 363—1687
 Senate File 419—1971
 Senate File 450—1812
 Senate File 470—1970-1971
 Senate File 472—2026
 Senate File 517—1829
 House File 199—1320
 House File 250—1993-1994
 House File 271—1960
 House File 535—1274
 House File 728—1916
 House File 774—1802
 House File 778—1884
 House File 780—1927
 House File 795—2050

SENATE REFUSED TO CONCUR—

Senate File 14, S-3706—1903
 Senate File 56, S-3837—1673
 Senate File 141, S-3892—1857
 Senate File 185, S-4021—1821
 Senate File 199, S-3836—1643
 Senate File 524, S-3991—1780
 Senate File 531, S-4024—1802-1803
 Senate File 538, S-4108—1918
 Senate File 539, S-4116—1952
 House File 17, S-3081 to H-3150—409-410
 House File 178, S-4078—1899
 House File 686, S-4131 to H-4310—1987
 House File 740, S-4144 to H-4132—1994
 House File 785, S-4193 to H-4481—2090

SMALL BUSINESS AND ECONOMIC DEVELOPMENT, COMMITTEE ON—

Appointed and appointments to—22
 Appointees, investigation of—380, 621, 933
 Bills introduced—335, 515, 832, 833, 872
 Amendments filed—830, 1092
 Investigating committee reports—1088, 1255
 Referred to—576, 1265
 Resolutions offered—833
 Subcommittee assignments—195, 196, 342, 343, 504, 558, 559, 603, 604, 605,
 682, 728, 768, 1046, 1076, 1161, 1194, 1225
 Subcommittee assignments, governor's appointments—394-395, 952-953

SOORHOLTZ, JOHN E.—Senator Thirty-sixth District

Bills introduced—18, 211, 247, 322, 349, 688, 777
 Amendments filed—321, 368, 545, 715, 731, 913, 935, 1245, 1263, 1502, 1693,
 1694, 1695, 1809, 1840, 1846, 1919
 Amendments offered—321
 Called up appointees on Individual Confirmation Calendar—1460

- Committee appointments—10, 30, 1028, 1971
- Presented the Honorable Carson Rogers, State Senator from Nebraska—1362
- Resolutions offered—639
- Standing committees and subcommittees appointed to—21, 22, 23
- Subcommittee assignments—45, 69, 70, 117, 118, 153, 166, 186, 196, 227, 244, 285, 286, 371, 381, 423, 463, 477, 478, 503, 510, 603, 605, 643, 653, 654, 655, 696, 697, 742, 768, 797, 821, 910, 949, 950, 978, 1076, 1091, 1121, 1161, 1180, 1181, 1194, 1463, 1564, 1582, 1606, 1648, 1719, 1739, 1878, 1894
- Subcommittee assignments, governor's appointments—406, 412, 413, 968, 969, 978, 979, 980, 981

STANDING COMMITTEES AND SUBCOMMITTEES—

- Standing committees appointed—21-23
- Chairpersons listed—21-23
- List of appointments to—21-23
- Senators and respective committees—25-32
- Subcommittees appointed and appointments to—23-24

STATE APPEAL BOARD—

- Richard D. Johnson, Chairman
- Communications from, stating claims filed—140, 141, 491, 1546
- Claims (approved)—140

STATE GOVERNMENT, COMMITTEE ON—

- Appointed and appointments to—23
- Appointees, investigation of—380, 412-413, 933-934
- Bills introduced—188, 230, 235, 271, 281, 303, 346, 513, 565, 665, 666, 671, 707, 714, 715, 789, 792, 869, 870, 871, 872, 873
- Amendments filed—514, 789, 1205
- Investigating committee reports—477, 530, 566, 668, 1119-1120, 1219-1220, 1237-1238
- Referred to—291, 570, 898, 1265, 1378, 1897, 2038
- Subcommittee assignments—69, 70, 102, 103, 165, 166, 167, 195, 196, 243, 244, 285, 286, 295, 296, 297, 317, 371, 381, 422, 423, 462, 463, 510, 511, 559, 606, 653, 654, 655, 695, 696, 697, 796, 797, 798, 821, 949, 950, 1028, 1045, 1046, 1090, 1091, 1120, 1121, 1194, 1195
- Subcommittee assignments, governor's appointments—978-981

STATUTORY APPOINTMENTS AND REAPPOINTMENTS TO COMMISSIONS, COMMITTEES, COUNCILS AND ADVISORY BOARDS—

(See Appointments - Reappointments, Statutory - Senators)

STUDY BILLS IN COMMITTEES—

- Agriculture—105, 120, 218, 219, 245, 344, 384, 453, 454, 479, 593, 594, 694, 771, 772, 859
- Appropriations—219, 227, 453, 1075, 1253, 1564, 1605
- Business and Labor Relations—96, 141-142, 142, 202, 287, 384, 479, 511, 642, 1637

- Commerce—155-156, 156, 228, 307, 465, 465-466, 601
- Education—46, 105, 106, 141, 245, 246, 306, 372, 384, 479, 593, 601, 602, 651, 771
- Environment and Energy Utilities—86, 154, 186, 202-203, 203, 228, 229, 245, 344, 455, 511, 642, 651, 693, 771
- Human Resources—47, 72, 106, 107, 154, 160, 177, 203, 306, 307, 307-308, 413, 465, 530, 558, 602, 651, 680, 693, 695, 770-771, 771, 796
- Judiciary—84, 85, 95, 96, 106, 120, 142, 143, 154, 155, 177, 178, 186, 203, 204, 217, 218, 229, 246, 269, 270, 306, 308, 373, 384, 385, 432, 454, 465, 530, 557, 593, 594, 602, 642, 651, 764, 771, 772, 796, 820, 859, 1225
- Local Government—86, 203, 217, 219, 269, 373, 478, 479, 480, 511, 626, 680, 681, 694, 771, 820
- Natural Resources—46, 47, 72, 96, 105, 176, 453, 652, 694, 742
- Small Business/Economic Development—72, 105, 202, 287, 454, 464, 601, 626, 742
- State Government—176, 177, 186, 219, 229, 269, 287, 306, 432, 454, 479, 557, 558, 602, 652, 680, 694, 695, 763, 764, 820
- Transportation—47, 71, 95, 142, 178, 203, 204, 307, 464, 464-465, 558, 694
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STUDY COMMITTEES—

Resolutions relating to:

- Senate Concurrent Resolution 5 - Creation of comprehensive info and privacy, cmte. study. S.J. 250, 372, 342.
- Senate Concurrent Resolution 14 - Peace officer retirement systems, cmte. study. S.J. 909, 955, 977.
- Senate Concurrent Resolution 15 - Establish task force to increase trade between Iowa and European economic community, cmte. study. S.J. 1249, 1255-1256, 1611, 1638, 1809.
- Senate Concurrent Resolution 17 - Regulation of clinical laboratories and laboratory science practitioners, cmte. study. S.J. 1360, 1362, 1463.
- Senate Concurrent Resolution 22 - Regulation of barter exchange, cmte. study. S.J. 1516-1517, 1535, 1592.
- Senate Concurrent Resolution 25 - Energy efficiency, cmte. study. S.J. 1591, 1592, 1603, 1638.
- Senate Concurrent Resolution 26 - Driver license requirement for drivers of commercial mtr. vehicles under Federal Commercial Mtr. Veh. Safety Act of 1986, cmte. study. S.J. 1591, 1596, 1638.
- Senate Concurrent Resolution 27 - Cost, affordability, and availability of child day care, cmte. study. S.J. 1604, 1605, 1638.
- Senate Concurrent Resolution 29 - Family and marriage law in Iowa concerning prop. rights between spouses, cmte. study. S.J. 1646, 1649, 1670, 1808.
- Senate Concurrent Resolution 30 - Parental and visitation rights with minor children, following separation of parents or dissolution of marriage, cmte. study. S.J. 1658, 1659, 1808.

Senate Concurrent Resolution 32 - Development of adequate statewide water supply, cmte. study. S.J. 1966.

STURGEON, AL—Senator First District

Bills introduced—18, 19, 43, 74, 98, 99, 157, 198, 211, 266, 302, 334, 392, 436, 452, 481, 689
 Amendments filed—339, 346, 480, 686, 704, 723, 765, 913, 955, 1051, 1079, 1205, 1245, 1305, 1405, 1417, 1434, 1539, 1556, 1559, 1565, 1589, 1593, 1618, 1704, 1726, 1727, 1728, 1729, 1742, 1762, 1788, 1809, 1881
 Amendments offered—339, 506, 523, 561, 751, 959, 1086, 1396, 1556, 1589, 1709, 1726, 1729, 1748, 1762, 1788, 1881
 Amendments withdrawn—757, 1616, 1726, 1789
 Called up appointees on Individual Confirmation Calendar—1453, 1454
 Committee appointments—16, 30, 1924, 2115
 Presided at sessions of the Senate—854, 937, 1006, 1410, 1689, 1880
 Reports—39
 Resolutions offered—1604, 1738
 Standing committees and subcommittees appointed to—21, 22, 24
 Subcommittee assignments—70, 71, 83, 93, 103, 139, 152, 166, 167, 195, 227, 256, 286, 297, 381, 382, 406, 407, 462, 463, 477, 503, 510, 511, 531, 603, 604, 643, 653, 697, 728, 769, 770, 978, 1046, 1076, 1091, 1148, 1161, 1194, 1303, 1638, 1826
 Subcommittee assignments, governor's appointments—405, 406, 951, 968

SUBCOMMITTEES APPOINTMENTS—

Appropriations subcommittees, listed and members of—23-24

SUPREME COURT OF IOWA—

(Chief Justice of Supreme Court, The Honorable Arthur A. McGiverin)
 Appointed members of Ethics Committee—31-32
 Condition of the Judicial Department Message—61-66
 Resolution relating to the Judicial Department Message:
 House Concurrent Resolution 2, joint convention, Wednesday, January 11, 1989, 10:00 a.m., Chief Justice McGiverin present his message of the condition of judicial department. H.J. 12-13 adopted - S.J. 33, 35 adopted - H.J. 62.

SZYMONIAK, ELAINE—Senator Forty-second District

Bills introduced—99, 607
 Amendments filed—429, 483, 574, 659, 682, 764, 789, 804, 830, 843, 958, 973, 1051, 1103, 1330, 1362, 1385, 1386, 1405, 1529, 1538, 1554, 1559, 1565, 1765, 1837, 1879, 1930
 Amendments offered—429, 574, 778, 940, 973, 1130, 1313, 1529, 1588, 1765, 1837
 Amendments withdrawn—1057
 Called up appointees on Individual Confirmation Calendar—1447
 Committee appointments—30, 1800, 1952, 2027
 Escorted Catherine G. Williams of Des Moines, 1980 Hall of Fame inductee—688

Escorted Marguerite Esters Cothorn of Des Moines, 1986 Hall of Fame inductee—813
 Escorted Mary Garst of Des Moines, 1981 Hall of Fame inductee—984
 Escorted Mary A. Grefe, 1980 Hall of Fame inductee—1082
 Petitions presented—1497
 Presented and read winning essay (9th grade), written by Kari Ditsworth—766
 Presided at sessions of the Senate—230
 Read the winning essay “Write Women Back Into History” written by Melissa Stevens (6th grade)—648
 Resolutions offered—683, 1604, 1736, 1738, 1979
 Standing committees and subcommittees appointed to—21, 22, 23
 Subcommittee assignments—83, 104, 117, 118, 185, 195, 196, 202, 226, 227, 245, 257, 286, 296, 342, 343, 371, 423, 478, 503, 504, 532, 595, 604, 605, 622, 653, 655, 682, 696, 728, 741, 798, 820, 821, 950, 951, 1076, 1077, 1091, 1147, 1148, 1194, 1225, 1255, 1582, 1606, 1719, 1782, 1878
 Subcommittee assignments, governor’s appointments—395, 405, 406, 952, 967, 968, 969

TAYLOR, RAY—Senator Ninth District

Bills introduced—18, 19, 67, 74, 77, 88, 100, 127, 148, 198, 211, 322, 386, 408, 591, 598, 617, 1299
 Amendments filed—156, 172, 297, 715, 724, 733, 735, 873, 913, 956, 989, 990, 994, 1030, 1142, 1156, 1171, 1173, 1175, 1330, 1385, 1464, 1493, 1566, 1572, 1585, 1601, 1669, 1683, 1685, 1693, 1763, 1767, 1912, 1995, 1996
 Amendments offered—172, 733, 1086, 1142, 1171, 1173, 1175, 1493, 1572, 1689, 1711, 1763, 1767, 1882, 1995, 1996
 Amendments withdrawn—1142, 1165, 2034
 Appointed to Commission On Interstate Cooperation—134
 Committee appointments—16, 30, 134, 1812, 1944, 1994, 2005, 2027
 Petitions presented—911
 Reports—39
 Served as panelist for Committee of the Whole—674
 Standing committees and subcommittees appointed to—21, 22, 23, 24
 Subcommittee assignments—69, 71, 92, 93, 95, 102, 104, 118, 139, 153, 165, 166, 196, 216, 227, 244, 257, 268, 296, 317, 381, 382, 463, 477, 478, 503, 511, 559, 581, 595, 596, 604, 605, 643, 653, 681, 696, 768, 769, 797, 798, 1045, 1046, 1180, 1195, 1225, 1499, 1638, 2102
 Subcommittee assignments, governor’s appointments—394, 405, 406, 951, 952, 968, 969

TIEDEN, DALE L.—Senator Sixteenth District

Bills introduced—143, 198, 211, 247, 322, 369, 386, 408, 598, 719
 Amendments filed—417, 488, 495, 532, 715, 732, 735, 935, 1030, 1162, 1165, 1314, 1373, 1625, 1661, 1685, 1693, 1694, 1767, 1885, 1879, 1892, 1996, 1976, 2018

- Amendments offered—563, 1068, 1373, 1996, 2018
 - Amendments withdrawn—1165, 2018
 - Appointed to Fiscal Committee—133
 - Appointed to Iowa Legislative Council—132
 - Committee appointments—31, 132, 133, 599, 1550, 1687, 1802, 1829, 1885, 1952, 2051, 2091
 - Corrected subcommittee assignments—103
 - Escorted Pioneer Lawmakers to seats—1550
 - Petitions presented—1145, 1496
 - Presented Jussi and Corolina Tinninen and son Emil of Helsinki, Finland—1432
 - Presided at sessions of the Senate—1302
 - Reports—1028
 - Revised subcommittee assignments—342
 - Standing committees and subcommittees appointed to—21, 22, 23
 - Subcommittee assignments—70, 92, 102, 104, 166, 185, 226, 243, 317, 371, 381, 382, 406, 407, 422, 450, 463, 477, 478, 503, 595, 603, 605, 653, 656, 681, 741, 768, 769, 798, 950, 1045, 1076, 1091, 1120, 1648, 1739, 1772, 1894
 - Subcommittee assignments, governor's appointments—951, 952
- TINSMAN, MAGGIE**—Senator Twentieth District
- Bills introduced—99, 211, 322, 386, 626, 687, 777
 - Amendments filed—160, 368, 417, 429, 483, 488, 514, 534, 562, 724, 736, 913, 955, 956, 994, 1036, 1330, 1360, 1386, 1399, 1405, 1565, 1609, 1685, 1693, 1727, 1742, 1905, 1919
 - Amendments offered—169, 488, 724, 736, 998, 1614
 - Committee appointments—31, 1726, 1944, 2044
 - Presented Representative Minnette Doderer of Iowa City, in observance of Women's History Month, who was inducted into the Hall of Fame in 1979, escorted by Senator Hutchins—688
 - Presented Catherine G. Williams of Des Moines, in observance of Women's History Month, a 1980 Hall of Fame inductee, escorted by Senator Szymoniak—688
 - Presented Marguerite Esters Cothorn of Des Moines, in observance of Women's History Month, who was inducted into the Hall of Fame in 1986, escorted by Senator Szymoniak—813
 - Presented Mary Jane Odell of Des Moines, in observance of Women's History Month, who was inducted into the Hall of Fame in 1979, escorted by Senator Mann—813
 - Presented Sister Patricia Clare Sullivan, in observance of Women's History Month, who was inducted into the Hall of Fame in 1988, escorted by Senator Riordan—1082
 - Presented Jeanne Montgomery Smith, in observance of Women's History Month, who was inducted into the Hall of Fame in 1982, escorted by Senator Lloyd-Jones—1082
 - Presented Gwendolyn Wilson Fowler, in observance of Women's History Month, who was inducted into the Hall of Fame in 1987, escorted by Senator Horn—1082

- Presented Ruth Bluford Anderson, in observance of Women's History Month, who was inducted into the Hall of Fame in 1982, escorted by Senator Lind—1082
- Presented Mary A. Grefe, in observance of Women's History Month, who was inducted into the Hall of Fame in 1980, escorted by Senator Szymoniak—1082
- Presented Twila Parker Lummer, in observance of Women's History Month, who was inducted into the Hall of Fame in 1988, escorted by Senator Deluhery—1082
- Presented Peg Stair Anderson, in observance of Women's History Month, who was inducted into the Hall of Fame in 1982, escorted by Senator Corning—1082
- Resolutions offered—1604
- Standing committees and subcommittees appointed to—21, 24
- Subcommittee assignments—45, 70, 71, 83, 93, 103, 104, 105, 152, 167, 195, 226, 227, 244, 256, 257, 286, 296, 297, 317, 343, 371, 381, 382, 407, 463, 478, 595, 622, 643, 654, 681, 697, 763, 769, 798, 950, 1075, 1077, 1147, 1148, 1161, 1194, 1195, 1225, 1255
- Subcommittee assignments, governor's appointments—405, 968, 969, 978

TRANSPORTATION, COMMITTEE ON—

- Appointed and appointments to—23
- Appointees, investigation of—380, 934
- Bills introduced—179, 235, 303, 791, 805, 814
- Amendments filed—545, 775, 804, 830
- Investigating committee reports—395, 1120, 1160
- Referred to—311, 1265, 1603, 1897, 1927, 2095
- Resolutions offered—431, 833
- Subcommittee assignments—45, 70, 71, 103, 118, 139, 152, 186, 196, 197, 295, 296, 297, 317, 342, 381, 422, 432, 463, 477, 531, 559, 603, 681, 695, 697, 763, 768, 910, 1029, 1076, 1077, 1161, 1226, 1255, 1564, 1946, 2009
- Subcommittee assignments, governor's appointments—395, 981

VANDE HOEF, RICHARD—Senator Fourth District

- Bills introduced—198, 201, 211, 220, 247, 251, 266, 274, 291, 322, 369, 386, 408, 436, 445, 452, 459, 473, 537, 598, 607, 687, 746, 761, 1299
- Amendments filed—574, 626, 716, 735, 914, 922, 994, 1103, 1305, 1336, 1385, 1386, 1501, 1565, 1585, 1593, 1609, 1693, 1694, 1695, 1767, 1823, 1845
- Amendments offered—922, 1035, 1336, 1716, 1845
- Amendments withdrawn—1035, 1717
- Appointed to Commission On Children, Youth and Families—133
- Committee appointments—31, 61, 133, 1778, 1916, 1924
- Escorted Governor Terry E. Branstad to the Condition of the Iowa Judiciary Message—61
- Petitions presented—1027
- Resolutions offered—639, 1641
- Standing committees and subcommittees appointed—21, 22, 23, 24
- Subcommittee assignments—83, 103, 119, 139, 165, 167, 196, 202, 243, 257, 295, 371, 382, 422, 432, 477, 478, 504, 510, 511, 559, 603, 622, 653, 696, 741, 797, 821, 950, 1045, 1046, 1077, 1161, 1180, 1195, 1225, 1564

Subcommittee assignments, governor's appointments—395, 412, 413, 951, 952, 953, 967, 978, 979, 980, 981

VARN, RICHARD—Senator Twenty-seventh District

Bills introduced—86, 99, 145, 162, 211, 249, 436, 481, 577, 597, 746

Amendments filed—417, 545, 609, 732, 764, 775, 834, 836, 913, 945, 1001, 1005, 1030, 1043, 1051, 1066, 1079, 1108, 1165, 1236, 1245, 1501, 1524, 1539, 1548, 1549, 1566, 1623, 1639, 1661, 1700, 1705, 1729, 1742, 1759, 1760, 1762, 1763, 1840, 1882, 1879, 1913, 1920, 1947, 1976, 1995, 2032, 2106

Amendments offered—549, 634, 635, 732, 834, 836, 917, 945, 1001, 1043, 1061, 1066, 1108, 1125, 1132, 1165, 1236, 1556, 1652, 1660, 1661, 1700, 1723, 1759, 1760, 1762, 1763, 1817, 1820, 1840, 1882, 1920, 1968, 1969, 1995, 2032, 2034

Amendments withdrawn—835, 1132, 1589, 1841

Called up appointees on Individual Confirmation Calendar—1452

Committee appointments—10, 31, 1802, 1971, 1994

Presided at sessions of the Senate—672, 732, 1331

Resolutions offered—250, 1604

Standing committees and subcommittees appointed to—21, 22, 24

Subcommittee assignments—45, 83, 92, 93, 94, 95, 102, 103, 104, 119, 139, 152, 153, 165, 166, 167, 186, 195, 196, 197, 216, 226, 227, 243, 244, 268, 296, 317, 342, 381, 382, 383, 407, 450, 462, 463, 477, 503, 510, 531, 532, 558, 595, 604, 605, 643, 653, 654, 655, 681, 768, 769, 797, 798, 820, 821, 860, 977, 994, 1046, 1077, 1091, 1161, 1180, 1181, 1194, 1195, 1225, 1226, 1499, 1582, 1946, 1965

Subcommittee assignments, governor's appointments—394, 952, 967, 968

WAYS AND MEANS, COMMITTEE ON—

Appointed and appointments to—23

Appointees, investigation of—380, 404, 512, 935

Bills introduced—223, 281, 325, 334, 416, 1228, 1433, 1494, 1495, 1596, 1618, 1659

Amendments filed—121, 346, 569, 704, 994, 1121, 1669, 1774, 1809

Investigating committee reports—580, 1146, 1238, 1329

Referred to—108, 236, 444, 564, 638, 665, 688, 792, 947, 1054, 1068, 1082, 1403, 1407, 1855, 2095

Subcommittee assignments—117, 118, 119, 152, 153, 166, 226, 227, 286, 342, 422, 423, 503, 581, 653, 654, 655, 681, 696, 797, 820, 821, 949, 950, 951, 977, 978, 1045, 1046, 1047, 1075, 1076, 1077, 1091, 1304, 1463, 1564, 1582, 1606, 1648, 1719, 1739, 1772, 1782, 1878, 1894, 1909

Subcommittee assignments, governor's appointments—969

WELSH, JOE J.—Senator Seventeenth District

Bills introduced—230, 265, 266, 274, 322, 472, 688, 714, 982

Amendments filed—200, 261, 262, 272, 337, 367, 451, 559, 563, 572, 574, 575, 663, 747, 811, 830, 943, 955, 1030, 1051, 1092, 1205, 1356, 1362, 1405, 1409, 1417, 1470, 1485, 1502, 1539, 1542, 1549, 1555, 1558, 1559, 1623, 1630, 1631, 1660, 1683, 1684, 1688, 1698, 1699, 1705, 1726, 1748,

1760, 1766, 1767, 1768, 1773, 1793, 1796, 1801, 1802, 1853, 1879, 1882,
1886, 1891, 1892, 1913, 1919, 2010, 2032, 2040, 2043
Amendments offered—200, 261, 262, 337, 483, 563, 572, 574, 575, 663, 747,
943, 1110, 1310, 1356, 1409, 1410, 1485, 1542, 1558, 1559, 1577, 1602,
1631, 1655, 1660, 1688, 1699, 1726, 1748, 1759, 1768, 1793, 1796, 1801,
1817, 1831, 1885, 1886, 1891, 1892, 1919, 2014, 2028, 2040, 2043
Amendments withdrawn—367, 894, 1660, 1726, 1801, 1802, 2023
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Appointed to Service Committee—133
Committee appointments—31, 132, 133, 1687, 1802, 1829, 1928, 2091
Petitions presented—1945
Presided at sessions of the Senate—473, 718, 882, 1246, 1248, 1299, 1449,
1687
Resolutions offered—1604
Revised subcommittee assignments—342
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Subcommittee assignments—102, 139, 166, 185, 244, 317, 318, 382, 406, 463,
558, 603, 643, 655, 656, 682, 768, 1028, 1076, 1120, 1180, 1329, 1648,
1704, 1739, 1772, 1894
Subcommittee assignments, governor's appointments—394, 404, 952

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Senators appointed to—134

ZIMMERMAN, JO ANN, President of the Senate—

(See Lieutenant Governor Zimmerman, Jo Ann, President of the Senate)